

MAKING APPROPRIATIONS FOR THE DEPARTMENT OF
HOMELAND SECURITY FOR THE FISCAL YEAR ENDING
SEPTEMBER 30, 2006, AND FOR OTHER PURPOSES

SEPTEMBER, 2005.—Ordered to be printed

Mr. ROGERS of Kentucky, from the committee of conference,
submitted the following

CONFERENCE REPORT

[To accompany H.R. 2360]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2360) “making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes”, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes, namely:

**TITLE I—DEPARTMENTAL MANAGEMENT AND
OPERATIONS**

OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT

For necessary expenses of the Office of the Secretary of Homeland Security, as authorized by section 102 of the Homeland Security Act of 2002 (6 U.S.C. 112), and executive management of the Department of Homeland Security, as authorized by law, \$79,409,000: Provided, That not to exceed \$40,000 shall be for official reception and representation expenses: Provided further, That,

not more than 180 days from the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives an integrated immigration enforcement strategy to reduce the number of undocumented aliens by ten percent per year based on the most recent United States Census Bureau data.

OFFICE OF SCREENING COORDINATION AND OPERATIONS

For necessary expenses of the Office of Screening Coordination and Operations, \$4,000,000.

OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

For necessary expenses of the Office of the Under Secretary for Management, as authorized by sections 701–705 of the Homeland Security Act of 2002 (6 U.S.C. 341–345), \$168,835,000: Provided, That not to exceed \$3,000 shall be for official reception and representation expenses: Provided further, That of the total amount provided, \$26,070,000 shall remain available until expended solely for the alteration and improvement of facilities, tenant improvements, and relocation costs to consolidate Department headquarters operations.

OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, as authorized by section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113), \$19,405,000.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, as authorized by section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113), and Department-wide technology investments, \$297,229,000; of which \$75,756,000 shall be available for salaries and expenses; and of which \$221,473,000 shall be available for development and acquisition of information technology equipment, software, services, and related activities for the Department of Homeland Security, and for the costs of conversion to narrowband communications, including the cost for operation of the land mobile radio legacy systems, to remain available until expended: Provided, That none of the funds appropriated shall be used to support or supplement the appropriations provided for the United States Visitor and Immigrant Status Indicator Technology project or the Automated Commercial Environment: Provided further, That the Chief Information Officer shall submit to the Committees on Appropriations of the Senate and the House of Representatives, not more than 60 days from the date of enactment of this Act, an expenditure plan for all information technology projects that: (1) are funded by the “Office of the Chief Information Officer”, or (2) are funded by multiple components of the Department of Homeland Security through reimbursable agreements: Provided further, That such expenditure plan shall include each specific project funded, key milestones, all funding sources for each project, details of annual and lifecycle costs, and projected cost savings or cost avoidance to be achieved by the project: Provided further, That the Chief Information Officer

shall submit to the Committees on Appropriations of the Senate and the House of Representatives, not more than 180 days from the date of enactment of this Act, a report that has been approved by the Office of Management and Budget and reviewed by the Government Accountability Office that includes: (1) an enterprise architecture, (2) an Information Technology Human Capital Plan, (3) a capital investment plan for implementing the enterprise architecture, and (4) a description of the information technology capital planning and investment control process.

ANALYSIS AND OPERATIONS

For necessary expenses for information analysis and operations coordination activities, as authorized by title II of the Homeland Security Act of 2002 (6 U.S.C. et seq.), \$255,495,000, to remain available until September 30, 2007.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), \$83,017,000, of which not to exceed \$100,000 may be used for certain confidential operational expenses, including the payment of informants, to be expended at the direction of the Inspector General.

TITLE II—SECURITY, ENFORCEMENT, AND INVESTIGATIONS

UNITED STATES VISITOR AND IMMIGRANT STATUS INDICATOR TECHNOLOGY

For necessary expenses for the development of the United States Visitor and Immigrant Status Indicator Technology project, as authorized by section 110 of the Illegal Immigration Reform and Immigration Responsibility Act of 1996 (8 U.S.C. 1221 note), \$340,000,000, to remain available until expended: Provided, That of the total amount made available under this heading, \$159,658,000 may not be obligated for the United States Visitor and Immigrant Status Indicator Technology project until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure prepared by the Secretary of Homeland Security that:

(1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A–11, part 7;

(2) complies with the Department of Homeland Security information systems enterprise architecture;

(3) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government;

(4) includes a certification by the Chief Information Officer of the Department of Homeland Security that an independent verification and validation agent is currently under contract for the project;

(5) is reviewed and approved by the Department of Homeland Security Investment Review Board, the Secretary of Homeland Security, and the Office of Management and Budget; and (6) is reviewed by the Government Accountability Office.

CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For necessary expenses for enforcement of laws relating to border security, immigration, customs, and agricultural inspections and regulatory activities related to plant and animal imports; acquisition, lease, maintenance and operation of aircraft; purchase and lease of up to 4,500 (3,935 for replacement only) police-type vehicles; and contracting with individuals for personal services abroad; \$4,826,323,000; of which \$3,000,000 shall be derived from the Harbor Maintenance Trust Fund for administrative expenses related to the collection of the Harbor Maintenance Fee pursuant to section 9505(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 9505(c)(3)) and notwithstanding section 1511(e)(1) of the Homeland Security Act of 2002 (6 U.S.C. 551(e)(1)); of which not to exceed \$45,000 shall be for official reception and representation expenses; of which not less than \$163,560,000 shall be for Air and Marine Operations; of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)), shall be derived from that account; of which not to exceed \$150,000 shall be available for payment for rental space in connection with preclearance operations; of which not to exceed \$1,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security: Provided, That for fiscal year 2006, the overtime limitation prescribed in section 5(c)(1) of the Act of February 13, 1911 (19 U.S.C. 267(c)(1)) shall be \$35,000; and notwithstanding any other provision of law, none of the funds appropriated by this Act may be available to compensate any employee of United States Customs and Border Protection for overtime, from whatever source, in an amount that exceeds such limitation, except in individual cases determined by the Secretary of Homeland Security, or the designee of the Secretary, to be necessary for national security purposes, to prevent excessive costs, or in cases of immigration emergencies: Provided further, That of the total amount provided, \$10,000,000 may not be obligated until the Secretary submits to the Committees on Appropriations of the Senate and the House of Representatives all required reports related to air and marine operations: Provided further, That no funds shall be available for the site acquisition, design, or construction of any Border Patrol checkpoint in the Tucson sector: Provided further, That the Border Patrol shall relocate its checkpoints in the Tucson sector at least once every seven days in a manner designed to prevent persons subject to inspection from predicting the location of any such checkpoint.

AUTOMATION MODERNIZATION

For expenses for customs and border protection automated systems, \$456,000,000, to remain available until expended, of which not less than \$320,000,000 shall be for the development of the Auto-

mated Commercial Environment: Provided, That none of the funds made available under this heading may be obligated for the Automated Commercial Environment until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure prepared by the Secretary of Homeland Security that:

(1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A-11, part 7;

(2) complies with the Department of Homeland Security information systems enterprise architecture;

(3) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government;

(4) includes a certification by the Chief Information Officer of the Department of Homeland Security that an independent verification and validation agent is currently under contract for the project;

(5) is reviewed and approved by the Department of Homeland Security Investment Review Board, the Secretary of Homeland Security, and the Office of Management and Budget; and

(6) is reviewed by the Government Accountability Office.

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

For necessary expenses for the operations, maintenance, and procurement of marine vessels, aircraft, unmanned aerial vehicles, and other related equipment of the air and marine program, including operational training and mission-related travel, and rental payments for facilities occupied by the air or marine interdiction and demand reduction programs, the operations of which include the following: the interdiction of narcotics and other goods; the provision of support to Federal, State, and local agencies in the enforcement or administration of laws enforced by the Department of Homeland Security; and at the discretion of the Secretary of Homeland Security, the provision of assistance to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts, \$400,231,000, to remain available until expended: Provided, That no aircraft or other related equipment, with the exception of aircraft that are one of a kind and have been identified as excess to United States Customs and Border Protection requirements and aircraft that have been damaged beyond repair, shall be transferred to any other Federal agency, department, or office outside of the Department of Homeland Security during fiscal year 2006 without the prior approval of the Committees on Appropriations of the Senate and the House of Representatives.

CONSTRUCTION

For necessary expenses to plan, construct, renovate, equip, and maintain buildings and facilities necessary for the administration and enforcement of the laws relating to customs and immigration, \$270,000,000, to remain available until expended: Provided, That of the total amount provided under this heading, \$35,000,000 shall be available for the San Diego sector fence; \$35,000,000 shall be avail-

able for Tucson sector tactical infrastructure; and \$26,000,000 shall be available for the Advanced Training Center.

IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

For necessary expenses for enforcement of immigration and customs laws, detention and removals, and investigations; and purchase and lease of up to 2,740 (2,000 for replacement only) police-type vehicles; \$3,108,499,000, of which not to exceed \$7,500,000 shall be available until expended for conducting special operations pursuant to section 3131 of the Customs Enforcement Act of 1986 (19 U.S.C. 2081); of which not to exceed \$15,000 shall be for official reception and representation expenses; of which not to exceed \$1,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security; of which not less than \$102,000 shall be for promotion of public awareness of the child pornography tipline; of which not less than \$203,000 shall be for Project Alert; of which not less than \$5,000,000 may be used to facilitate agreements consistent with section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)); and of which not to exceed \$11,216,000 shall be available to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled illegal aliens: Provided, That none of the funds made available under this heading shall be available to compensate any employee for overtime in an annual amount in excess of \$35,000, except that the Secretary of Homeland Security, or the designee of the Secretary, may waive that amount as necessary for national security purposes and in cases of immigration emergencies: Provided further, That of the total amount provided, \$15,770,000 shall be for activities to enforce laws against forced child labor in fiscal year 2006, of which not to exceed \$6,000,000 shall remain available until expended: Provided further, That of the amounts appropriated, \$5,000,000 shall not be available for obligation until the Secretary of Homeland Security submits to the Committees on Appropriations of the Senate and the House of Representatives a national detention management plan, including the use of regional detention contracts and alternatives to detention.

FEDERAL PROTECTIVE SERVICE

The revenues and collections of security fees credited to this account, not to exceed \$487,000,000, shall be available until expended for necessary expenses related to the protection of federally-owned and leased buildings and for the operations of the Federal Protective Service.

AUTOMATION MODERNIZATION

For expenses of immigration and customs enforcement automated systems, \$40,150,000, to remain available until expended: Provided, That none of the funds made available under this heading may be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure prepared by the Secretary of Homeland Security that:

(1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A-11, part 7;

(2) complies with the Department of Homeland Security information systems enterprise architecture;

(3) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government;

(4) includes a certification by the Chief Information Officer of the Department of Homeland Security that an independent verification and validation agent is currently under contract for the project;

(5) is reviewed and approved by the Department of Homeland Security Investment Review Board, the Secretary of Homeland Security, and the Office of Management and Budget; and

(6) is reviewed by the Government Accountability Office.

CONSTRUCTION

For necessary expenses to plan, construct, renovate, equip, and maintain buildings and facilities necessary for the administration and enforcement of the laws relating to customs and immigration, \$26,546,000, to remain available until expended.

TRANSPORTATION SECURITY ADMINISTRATION

AVIATION SECURITY

For necessary expenses of the Transportation Security Administration related to providing civil aviation security services pursuant to the Aviation and Transportation Security Act (Public Law 107-71; 115 Stat. 597; 49 U.S.C. 40101 note), \$4,607,386,000, to remain available until September 30, 2007, of which not to exceed \$3,000 shall be for official reception and representation expenses: Provided, That of the total amount made available under this heading, not to exceed \$3,605,438,000 shall be for screening operations, of which \$175,000,000 shall be available only for procurement of checked baggage explosive detection systems and \$45,000,000 shall be available only for installation of checked baggage explosive detection systems; and not to exceed \$1,001,948,000 shall be for aviation security direction and enforcement presence: Provided further, That security service fees authorized under section 44940 of title 49, United States Code, shall be credited to this appropriation as offsetting collections and shall be available only for aviation security: Provided further, That the sum herein appropriated from the General Fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2006, so as to result in a final fiscal year appropriation from the General Fund estimated at not more than \$2,617,386,000: Provided further, That any security service fees collected in excess of the amount made available under this heading shall become available during fiscal year 2007: Provided further, That notwithstanding section 44923 of title 49, United States Code, the share of the cost of the Federal Government for a project under any letter of intent shall be 75 percent for any medium or large hub airport and 90 percent for any other airport, and all funding provided by section 44923(h) of title 49 United States Code, or from appropriations authorized under section 44923(i)(1) of title 49 United

States Code, may be distributed in any manner deemed necessary to ensure aviation security and to fulfill the Government's planned cost share under existing letters of intent: Provided further, That heads of Federal agencies and commissions shall not be exempt from Federal passenger and baggage screening: Provided further, That reimbursement for security services and related equipment and supplies provided in support of general aviation access to the Ronald Reagan Washington National Airport shall be credited to this appropriation and shall be available until expended solely for these purposes: Provided further, That none of the funds in this Act shall be used to recruit or hire personnel into the Transportation Security Administration which would cause the agency to exceed a staffing level of 45,000 full-time equivalent screeners.

SURFACE TRANSPORTATION SECURITY

For necessary expenses of the Transportation Security Administration related to providing surface transportation security activities, \$36,000,000, to remain available until September 30, 2007.

TRANSPORTATION VETTING AND CREDENTIALING

For necessary expenses for the development and implementation of screening programs of the Office of Transportation Vetting and Credentialing, \$74,996,000, to remain available until September 30, 2007.

TRANSPORTATION SECURITY SUPPORT

For necessary expenses of the Transportation Security Administration related to providing transportation security support and intelligence pursuant to the Aviation and Transportation Security Act (Public Law 107-71; 115 Stat. 597; 49 U.S.C. 40101 note), \$510,483,000, to remain available until September 30, 2007: Provided, That of the funds appropriated under this heading, \$5,000,000 may not be obligated until the Secretary submits to the Committees on Appropriations of the Senate and the House of Representatives: (1) a plan for optimally deploying explosive detection equipment, either in-line or to replace explosive trace detection machines, at the Nation's airports on a priority basis to enhance security, reduce Transportation Security Administration staffing requirements, and reduce long-term costs; and (2) a detailed expenditure plan for explosive detection systems procurement and installations on an airport-by-airport basis for fiscal year 2006: Provided further, That these plans shall be submitted no later than 60 days from the date of enactment of this Act.

FEDERAL AIR MARSHALS

For necessary expenses of the Federal Air Marshals, \$686,200,000.

UNITED STATES COAST GUARD

OPERATING EXPENSES

(INCLUDING RESCISSION OF FUNDS)

For necessary expenses for the operation and maintenance of the United States Coast Guard not otherwise provided for; purchase or

lease of not to exceed 25 passenger motor vehicles, which shall be for replacement only; payments pursuant to section 156 of Public Law 97-377 (42 U.S.C. 402 note); and recreation and welfare; \$5,492,331,000, of which \$1,200,000,000 shall be for defense-related activities; of which \$24,500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); and of which not to exceed \$3,000 shall be for official reception and representation expenses: Provided, That none of the funds made available by this or any other Act shall be available for administrative expenses in connection with shipping commissioners in the United States: Provided further, That none of the funds made available by this Act shall be for expenses incurred for yacht documentation under section 12109 of title 46, United States Code, except to the extent fees are collected from yacht owners and credited to this appropriation.

In addition, of the funds appropriated under this heading in Public Law 108-11 (117 Stat. 583), \$15,103,569 are rescinded.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses to carry out the environmental compliance and restoration functions of the United States Coast Guard under chapter 19 of title 14, United States Code, \$12,000,000, to remain available until expended.

RESERVE TRAINING

For necessary expenses of the Coast Guard Reserve, as authorized by law; operations and maintenance of the reserve program; personnel and training costs; and equipment and services; \$119,000,000.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto; and maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law; \$1,141,800,000, of which \$20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); of which \$18,500,000 shall be available until September 30, 2010, to acquire, repair, renovate, or improve vessels, small boats, and related equipment; of which \$20,000,000 shall be available until September 30, 2010, to increase aviation capability; of which \$65,000,000 shall be available until September 30, 2008, for other equipment; of which \$31,700,000 shall be available until September 30, 2008, for shore facilities and aids to navigation facilities; of which \$73,500,000 shall be available for personnel compensation and benefits and related costs; and of which \$933,100,000 shall be available until September 30, 2010, for the Integrated Deepwater Systems program: Provided, That the Commandant of the Coast Guard is authorized to dispose of surplus real property, by sale or lease, and the proceeds shall be credited to this appropriation as offsetting collections and shall be available until September 30, 2008: Provided further, That the Secretary of Homeland Security shall submit to the Committees on Appropriations of the

Senate and the House of Representatives, in conjunction with the President's fiscal year 2007 budget, a review of the Revised Deepwater Implementation Plan that identifies any changes to the plan for the fiscal year; an annual performance comparison of Deepwater assets to pre-Deepwater legacy assets; a status report of legacy assets; a detailed explanation of how the costs of legacy assets are being accounted for within the Deepwater program; an explanation of why many assets that are elements of the Integrated Deepwater System are not accounted for within the Deepwater appropriation under this heading; a description of the competitive process conducted in all contracts and subcontracts exceeding \$5,000,000 within the Deepwater program; a description of how the Coast Guard is planning for the human resource needs of Deepwater assets; and the earned value management system gold card data for each Deepwater asset: Provided further, That the Secretary shall submit to the Committees on Appropriations of the Senate and the House of Representatives a comprehensive review of the Revised Deepwater Implementation Plan every five years, beginning in fiscal year 2011, that includes a complete projection of the acquisition costs and schedule for the duration of the plan through fiscal year 2027: Provided further, That the Secretary shall annually submit to the Committees on Appropriations of the Senate and the House of Representatives, at the time that the President's budget is submitted under section 1105(a) of title 31, a future-years capital investment plan for the Coast Guard that identifies for each capital budget line item—

- (1) the proposed appropriation included in that budget;*
- (2) the total estimated cost of completion;*
- (3) projected funding levels for each fiscal year for the next five fiscal years or until project completion, whichever is earlier;*
- (4) an estimated completion date at the projected funding levels; and*
- (5) changes, if any, in the total estimated cost of completion or estimated completion date from previous future-years capital investment plans submitted to the Committees on Appropriations of the Senate and the House of Representatives:*

Provided further, That the Secretary shall ensure that amounts specified in the future-years capital investment plan are consistent to the maximum extent practicable with proposed appropriations necessary to support the programs, projects, and activities of the Coast Guard in the President's budget as submitted under section 1105(a) of title 31 for that fiscal year: Provided further, That any inconsistencies between the capital investment plan and proposed appropriations shall be identified and justified.

ALTERATION OF BRIDGES

For necessary expenses for alteration or removal of obstructive bridges, as authorized by section 6 of the Truman-Hobbs Act (33 U.S.C. 516), \$15,000,000, to remain available until expended.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

For necessary expenses for applied scientific research, development, test, and evaluation; and for maintenance, rehabilitation, lease, and operation of facilities and equipment; as authorized by law; \$17,750,000, to remain available until expended, of which \$2,000,000 shall be derived from the Oil Spill Liability Trust Fund

to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)): Provided, That there may be credited to and used for the purposes of this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries for expenses incurred for research, development, testing, and evaluation.

RETIRED PAY

For retired pay, including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose, payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, payment for career status bonuses, concurrent receipts and combat-related special compensation under the National Defense Authorization Act, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, \$1,014,080,000.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service, including purchase of not to exceed 614 vehicles for police-type use, which shall be for replacement only, and hire of passenger motor vehicles; purchase of American-made motorcycles; hire of aircraft; services of expert witnesses at such rates as may be determined by the Director of the Secret Service; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; payment of per diem or subsistence allowances to employees where a protective assignment during the actual day or days of the visit of a protectee requires an employee to work 16 hours per day or to remain overnight at a post of duty; conduct of and participation in firearms matches; presentation of awards; travel of Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act if approval is obtained in advance from the Committees on Appropriations of the Senate and the House of Representatives; research and development; grants to conduct behavioral research in support of protective research and operations; and payment in advance for commercial accommodations as may be necessary to perform protective functions; \$1,208,310,000, of which not to exceed \$25,000 shall be for official reception and representation expenses; of which not to exceed \$100,000 shall be to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; of which \$2,389,000 shall be for forensic and related support of investigations of missing and exploited children; and of which \$5,500,000 shall be a grant for activities related to the investigations of missing and exploited children and shall remain available until expended: Provided, That up to \$18,000,000 provided for protective travel shall remain available until September 30, 2007: Provided further, That of the total amount appropriated, not less than \$2,500,000 shall be available solely for the unanticipated costs related to security operations for National Special Security Events, to remain available until September 30, 2007: Provided further, That

the United States Secret Service is authorized to obligate funds in anticipation of reimbursements from Federal agencies and entities, as defined in section 105 of title 5, United States Code, receiving training sponsored by the James J. Rowley Training Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available under this heading at the end of the fiscal year.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED
EXPENSES

For necessary expenses for acquisition, construction, repair, alteration, and improvement of facilities, \$3,699,000, to remain available until expended.

TITLE III—PREPAREDNESS AND RECOVERY

PREPAREDNESS

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the Office of the Under Secretary for Preparedness, the Office of the Chief Medical Officer, and the Office of National Capital Region Coordination, \$16,079,000: Provided, That not to exceed \$7,000 shall be for official reception and representation expenses.

OFFICE FOR DOMESTIC PREPAREDNESS

SALARIES AND EXPENSES

For necessary expenses for the Office for Domestic Preparedness, \$5,000,000.

STATE AND LOCAL PROGRAMS

For grants, contracts, cooperative agreements, and other activities, including grants to State and local governments for terrorism prevention activities, notwithstanding any other provision of law, \$2,501,300,000, which shall be allocated as follows:

(1) \$550,000,000 for formula-based grants and \$400,000,000 for law enforcement terrorism prevention grants pursuant to section 1014 of the USA PATRIOT ACT (42 U.S.C. 3714): Provided, That the application for grants shall be made available to States within 45 days from the date of enactment of this Act; that States shall submit applications within 90 days after the grant announcement; and that the Office for Domestic Preparedness shall act within 90 days after receipt of an application: Provided further, That no less than 80 percent of any grant under this paragraph to a State shall be made available by the State to local governments within 60 days after the receipt of the funds.

(2) \$1,155,000,000 for discretionary grants, as determined by the Secretary of Homeland Security, of which—

(A) \$765,000,000 shall be for use in high-threat, high-density urban areas: Provided, That \$25,000,000 shall be available until expended for assistance to organizations (as described under section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax section 501(a) of such

Code) determined by the Secretary to be at high-risk of international terrorist attack, and that these determinations shall not be delegated to any Federal, State, or local government official: Provided further, That the Secretary shall certify to the Committees on Appropriations of the Senate and the House of Representatives the threat to each designated tax exempt grantee at least 3 full business days in advance of the announcement of any grant award;

(B) \$175,000,000 shall be for port security grants pursuant to the purposes of 46 United States Code 70107(a) through (h), which shall be awarded based on risk and threat notwithstanding subsection (a), for eligible costs as defined in subsections (b)(2)–(4);

(C) \$5,000,000 shall be for trucking industry security grants;

(D) \$10,000,000 shall be for intercity bus security grants;

(E) \$150,000,000 shall be for intercity passenger rail transportation (as defined in section 24102 of title 49, United States Code), freight rail, and transit security grants; and

(F) \$50,000,000 shall be for buffer zone protection grants;

Provided, That for grants under subparagraph (A), the application for grants shall be made available to States within 45 days from the date of enactment of this Act; that States shall submit applications within 90 days after the grant announcement; and that the Office for Domestic Preparedness shall act within 90 days after receipt of an application: Provided further, That no less than 80 percent of any grant under this paragraph to a State shall be made available by the State to local governments within 60 days after the receipt of the funds.

(3) \$50,000,000 shall be available for the Commercial Equipment Direct Assistance Program.

(4) \$346,300,000 for training, exercises, technical assistance, and other programs:

Provided, That none of the grants provided under this heading shall be used for the construction or renovation of facilities, except for a minor perimeter security project, not to exceed \$1,000,000, as determined necessary by the Secretary of Homeland Security: Provided further, That the proceeding proviso shall not apply to grants under subparagraphs (B), (E), and (F) of paragraph (2) of this heading: Provided further, That grantees shall provide additional reports on their use of funds, as determined necessary by the Secretary of Homeland Security: Provided further, That funds appropriated for law enforcement terrorism prevention grants under paragraph (1) and discretionary grants under paragraph (2)(A) of this heading shall be available for operational costs, to include personnel overtime and overtime associated with Office for Domestic Preparedness certified training, as needed: Provided further, That in accordance with the Department's implementation plan for Homeland Security Presidential Directive 8, the Office for Domestic Preparedness shall issue the final National Preparedness Goal no later than December 31, 2005; and no funds provided under paragraphs (1) and (2)(A) shall be awarded to States that have not sub-

mitted to the Office for Domestic Preparedness an updated State homeland strategy based on the interim National Preparedness Goal, dated March 31, 2005: Provided further, That the Government Accountability Office shall review the validity of the threat and risk factors used by the Secretary for the purposes of allocating discretionary grants funded under this heading, and the application of those factors in the allocation of funds, and report to the Committees on Appropriations of the Senate and the House of Representatives on the findings of its review by November 17, 2005: Provided further, That within seven days from the date of enactment of this Act, the Secretary shall provide the Government Accountability Office with the threat and risk methodology and factors that will be used to allocate discretionary grants funded under this heading.

FIREFIGHTER ASSISTANCE GRANTS

For necessary expenses for programs authorized by the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), \$655,000,000, of which \$545,000,000 shall be available to carry out section 33 (15 U.S.C. 2229) and \$110,000,000 shall be available to carry out section 34 (15 U.S.C. 2229a) of such Act, to remain available until September 30, 2007: Provided, That not to exceed 5 percent of this amount shall be available for program administration.

EMERGENCY MANAGEMENT PERFORMANCE GRANTS

For necessary expenses for emergency management performance grants, as authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), and Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), \$185,000,000: Provided, That total administrative costs shall not exceed 3 percent of the total appropriation.

RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

The aggregate charges assessed during fiscal year 2006, as authorized in title III of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999 (42 U.S.C. 5196e), shall not be less than 100 percent of the amounts anticipated by the Department of Homeland Security necessary for its radiological emergency preparedness program for the next fiscal year: Provided, That the methodology for assessment and collection of fees shall be fair and equitable and shall reflect costs of providing such services, including administrative costs of collecting such fees: Provided further, That fees received under this heading shall be deposited in this account as offsetting collections and will become available for authorized purposes on October 1, 2006, and remain available until expended.

UNITED STATES FIRE ADMINISTRATION AND TRAINING

For necessary expenses of the United States Fire Administration and for other purposes, as authorized by 15 U.S.C. 2201 et seq. and 6 U.S.C. 101 et seq., \$44,948,000.

INFRASTRUCTURE PROTECTION AND INFORMATION SECURITY

For necessary expenses for infrastructure protection and information security programs and activities, as authorized by title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), \$625,499,000, of which \$542,157,000 shall remain available until September 30, 2007.

COUNTERTERRORISM FUND

For necessary expenses, as determined by the Secretary of Homeland Security, to reimburse any Federal agency for the costs of providing support to counter, investigate, or respond to unexpected threats or acts of terrorism, including payment of rewards in connection with these activities, \$2,000,000, to remain available until expended: Provided, That the Secretary shall notify the Committees on Appropriations of the Senate and the House of Representatives 15 days prior to the obligation of any amount of these funds in accordance with section 503 of this Act.

FEDERAL EMERGENCY MANAGEMENT AGENCY

ADMINISTRATIVE AND REGIONAL OPERATIONS

For necessary expenses for administrative and regional operations, \$221,240,000, including activities authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947 (50 U.S.C. 404, 405), Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), and the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.): Provided, That not to exceed \$3,000 shall be for official reception and representation expenses.

PREPAREDNESS, MITIGATION, RESPONSE, AND RECOVERY

For necessary expenses for preparedness, mitigation, response, and recovery activities, \$204,058,000, including activities authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947 (50 U.S.C. 404, 405), Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), and the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.): Provided, That of the total amount made available under this heading, \$20,000,000 shall be for Urban Search and Rescue Teams, of which not to exceed \$1,600,000 may be made available for administrative costs.

PUBLIC HEALTH PROGRAMS

For necessary expenses for countering potential biological, disease, and chemical threats to civilian populations, \$34,000,000.

DISASTER RELIEF

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), \$1,770,000,000, to remain available until expended.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

For administrative expenses to carry out the direct loan program, as authorized by section 319 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5162), \$567,000: Provided, That gross obligations for the principal amount of direct loans shall not exceed \$25,000,000: Provided further, That the cost of modifying such loans shall be as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a).

FLOOD MAP MODERNIZATION FUND

For necessary expenses pursuant to section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101), \$200,000,000, and such additional sums as may be provided by State and local governments or other political subdivisions for cost-shared mapping activities under section 1360(f)(2) of such Act, to remain available until expended: Provided, That total administrative costs shall not exceed 3 percent of the total appropriation.

NATIONAL FLOOD INSURANCE FUND

(INCLUDING TRANSFER OF FUNDS)

For activities under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), not to exceed \$36,496,000 for salaries and expenses associated with flood mitigation and flood insurance operations; not to exceed \$40,000,000 for financial assistance under section 1361A of such Act to States and communities for taking actions under such section with respect to severe repetitive loss properties, to remain available until expended; not to exceed \$10,000,000 for mitigation actions under section 1323 of such Act; and not to exceed \$99,358,000 for flood hazard mitigation, to remain available until September 30, 2007, including up to \$40,000,000 for expenses under section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c), which amount shall be available for transfer to the National Flood Mitigation Fund until September 30, 2007, and which amount shall be derived from offsetting collections assessed and collected pursuant to section 1307 of that Act (42 U.S.C. 4014), and shall be retained and used for necessary expenses under this heading: Provided, That in fiscal year 2006, no funds in excess of: (1) \$55,000,000 for operating expenses; (2) \$660,148,000 for commissions and taxes of agents; and (3) \$30,000,000 for interest on Treasury borrowings shall be available from the National Flood Insurance Fund.

NATIONAL FLOOD MITIGATION FUND

Notwithstanding subparagraphs (B) and (C) of subsection (b)(3), and subsection (f), of section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c), \$40,000,000, to remain available until September 30, 2007, for activities designed to reduce the risk of flood damage to structures pursuant to such Act, of which \$40,000,000 shall be derived from the National Flood Insurance Fund.

NATIONAL PREDISASTER MITIGATION FUND

For a predisaster mitigation grant program under title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.), \$50,000,000, to remain available until expended: Provided, That grants made for predisaster mitigation shall be awarded on a competitive basis subject to the criteria in section 203(g) of such Act (42 U.S.C. 5133(g)), and notwithstanding section 203(f) of such Act, shall be made without reference to State allocations, quotas, or other formula-based allocation of funds: Provided further, That total administrative costs shall not exceed 3 percent of the total appropriation.

EMERGENCY FOOD AND SHELTER

To carry out an emergency food and shelter program pursuant to title III of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11331 et seq.), \$153,000,000, to remain available until expended: Provided, That total administrative costs shall not exceed 3.5 percent of the total appropriation.

TITLE IV—RESEARCH AND DEVELOPMENT, TRAINING, AND SERVICES

UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES

For necessary expenses for citizenship and immigration services, \$115,000,000: Provided, That the Director of United States Citizenship and Immigration Services shall submit to the Committees on Appropriations of the Senate and the House of Representatives a report on its information technology transformation efforts and how these efforts align with the enterprise architecture standards of the Department of Homeland Security within 90 days from the date of enactment of this Act.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, including materials and support costs of Federal law enforcement basic training; purchase of not to exceed 117 vehicles for police-type use and hire of passenger motor vehicles; expenses for student athletic and related activities; the conduct of and participation in firearms matches and presentation of awards; public awareness and enhancement of community support of law enforcement training; room and board for student interns; a flat monthly reimbursement to employees authorized to use personal mobile phones

for official duties; and services as authorized by section 3109 of title 5, United States Code; \$194,000,000, of which up to \$42,119,000 for materials and support costs of Federal law enforcement basic training shall remain available until September 30, 2007; and of which not to exceed \$12,000 shall be for official reception and representation expenses: Provided, That the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training sponsored by the Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED
EXPENSES

For acquisition of necessary additional real property and facilities, construction, and ongoing maintenance, facility improvements, and related expenses of the Federal Law Enforcement Training Center, \$88,358,000, to remain available until expended: Provided, That the Center is authorized to accept reimbursement to this appropriation from government agencies requesting the construction of special use facilities.

SCIENCE AND TECHNOLOGY
MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the Office of the Under Secretary for Science and Technology and for management and administration of programs and activities, as authorized by title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.), \$81,099,000: Provided, That not to exceed \$3,000 shall be for official reception and representation expenses.

RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS

For necessary expenses for science and technology research, including advanced research projects; development; test and evaluation; acquisition; and operations; as authorized by title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.); \$1,420,997,000, to remain available until expended: Provided, That of the total amount provided under this heading, \$23,000,000 is available to select a site for the National Bio and Agrodefense Facility and perform other pre-construction activities to establish research capabilities to protect animal and public health from high consequence animal and zoonotic diseases in support of Homeland Security Presidential Directives 9 and 10: Provided further, That of the amount provided under this heading, \$318,014,000 shall be for activities of the Domestic Nuclear Detection Office, of which \$125,000,000 shall be for the purchase and deployment of radiation portal monitors for United States ports of entry and of which no less than \$81,000,000 shall be for radiological and nuclear research and development activities: Provided further, That excluding the funds made available under the preceding proviso for radiation portal monitors, \$144,760,500 of the total amount made available under this heading for the Domestic Nuclear Detection Office shall not be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve an expenditure plan for the Domestic Nuclear Detection Office: Provided further,

That the expenditure plan shall include funding by program, project, and activity for each of fiscal years 2006 through 2010 prepared by the Secretary of Homeland Security that has been reviewed by the Government Accountability Office.

TITLE V—GENERAL PROVISIONS

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. Subject to the requirements of section 503 of this Act, the unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this Act: Provided, That balances so transferred may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 503. (a) None of the funds provided by this Act, provided by previous appropriations Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2006, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates a new program; (2) eliminates a program, project, or activity; (3) increases funds for any program, project, or activity for which funds have been denied or restricted by the Congress; (4) proposes to use funds directed for a specific activity by either of the Committees on Appropriations of the Senate or House of Representatives for a different purpose; or (5) contracts out any functions or activities for which funds have been appropriated for Federal full-time equivalent positions; unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided by this Act, provided by previous appropriations Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2006, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for programs, projects, or activities through a reprogramming of funds in excess of \$5,000,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by the Congress; or (3) results from any general savings from a reduction in personnel that would result in a change in existing programs, projects, or activities as approved by the Congress; unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

(c) Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Homeland Security by this Act or provided by previous appropriations Acts may be transferred between such appropriations, but no such appropriations, except as otherwise specifically provided, shall be increased by

more than 10 percent by such transfers: Provided, That any transfer under this section shall be treated as a reprogramming of funds under subsection (b) of this section and shall not be available for obligation unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such transfer.

(d) Notwithstanding subsections (a), (b), and (c) of this section, no funds shall be reprogrammed within or transferred between appropriations after June 30, except in extraordinary circumstances which imminently threaten the safety of human life or the protection of property.

(e) Hereafter, notwithstanding any other provision of law, notifications pursuant to this section or any other authority for reprogramming or transfer of funds shall be made solely to the Committees on Appropriations of the Senate and the House of Representatives.

SEC. 504. None of the funds appropriated or otherwise made available to the Department of Homeland Security may be used to make payments to the "Department of Homeland Security Working Capital Fund", except for the activities and amounts allowed in section 6024 of Public Law 109-13, excluding the Homeland Secure Data Network: Provided, That any additional activities and amounts must be approved by the Committees on Appropriations of the Senate and the House of Representatives 30 days in advance of obligation.

SEC. 505. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2006 from appropriations for salaries and expenses for fiscal year 2006 in this Act shall remain available through September 30, 2007, in the account and for the purposes for which the appropriations were provided: Provided, That prior to the obligation of such funds, a request shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives for approval in accordance with section 503 of this Act.

SEC. 506. Funds made available by this Act for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2006 until the enactment of an Act authorizing intelligence activities for fiscal year 2006.

SEC. 507. The Federal Law Enforcement Training Center shall lead the Federal law enforcement training accreditation process, to include representatives from the Federal law enforcement community and non-Federal accreditation experts involved in law enforcement training, to continue the implementation of measuring and assessing the quality and effectiveness of Federal law enforcement training programs, facilities, and instructors.

SEC. 508. None of the funds in this Act may be used to make a grant allocation, discretionary grant award, discretionary contract award, or to issue a letter of intent totaling in excess of \$1,000,000, or to announce publicly the intention to make such an award, unless the Secretary of Homeland Security notifies the Committees on Appropriations of the Senate and the House of Representatives at least 3 full business days in advance: Provided, That no notification shall involve funds that are not available for obligation.

SEC. 509. Notwithstanding any other provision of law, no agency shall purchase, construct, or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations of the Senate and the House of Representatives, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.

SEC. 510. The Director of the Federal Law Enforcement Training Center shall schedule basic and/or advanced law enforcement training at all four training facilities under the control of the Federal Law Enforcement Training Center to ensure that these training centers are operated at the highest capacity throughout the fiscal year.

SEC. 511. None of the funds appropriated or otherwise made available by this Act may be used for expenses of any construction, repair, alteration, or acquisition project for which a prospectus, if required by the Public Buildings Act of 1959 (40 U.S.C. 3301), has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus.

SEC. 512. None of the funds in this Act may be used in contravention of the applicable provisions of the Buy American Act (41 U.S.C. 10a et seq.).

SEC. 513. The Secretary of Homeland Security shall take all actions necessary to ensure that the Department of Homeland Security is in compliance with the second proviso of section 513 of Public Law 108-334 and shall report to the Committees on Appropriations of the Senate and House of Representatives biweekly beginning on October 1, 2005, on any reasons for non-compliance: Provided, That, furthermore, the Secretary shall take all possible actions, including the procurement of certified systems to inspect and screen air cargo on passenger aircraft, to increase the level of air cargo inspected beyond that mandated in section 513 of Public Law 108-334 and shall report to the Committees on Appropriations of the Senate and the House of Representatives every six months on the actions taken and the percentage of air cargo inspected at each airport.

SEC. 514. Notwithstanding section 3302 of title 31, United States Code, for fiscal year 2006 and thereafter, the Administrator of the Transportation Security Administration may impose a reasonable charge for the lease of real and personal property to Transportation Security Administration employees and for use by Transportation Security Administration employees and may credit amounts received to the appropriation or fund initially charged for operating and maintaining the property, which amounts shall be available, without fiscal year limitation, for expenditure for property management, operation, protection, construction, repair, alteration, and related activities.

SEC. 515. For fiscal year 2006 and thereafter, the acquisition management system of the Transportation Security Administration shall apply to the acquisition of services, as well as equipment, supplies, and materials.

SEC. 516. Notwithstanding any other provision of law, the authority of the Office of Personnel Management to conduct personnel

security and suitability background investigations, update investigations, and periodic reinvestigations of applicants for, or appointees in, positions in the Office of the Secretary and Executive Management, the Office of the Under Secretary for Management, Analysis and Operations, Immigration and Customs Enforcement, Directorate for Preparedness, and the Directorate of Science and Technology of the Department of Homeland Security is transferred to the Department of Homeland Security: Provided, That on request of the Department of Homeland Security, the Office of Personnel Management shall cooperate with and assist the Department in any investigation or reinvestigation under this section: Provided further, That this section shall cease to be effective at such time as the President has selected a single agency to conduct security clearance investigations pursuant to section 3001(c) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 50 U.S.C. 435b) and the entity selected under section 3001(b) of such Act has reported to Congress that the agency selected pursuant to such section 3001(c) is capable of conducting all necessary investigations in a timely manner or has authorized the entities within the Department of Homeland Security covered by this section to conduct their own investigations pursuant to section 3001 of such Act.

SEC. 517. Hereafter, notwithstanding any other provision of law, funds appropriated under paragraphs (1) and (2) of the State and Local Programs heading under title III of this Act are exempt from section 6503(a) of title 31, United States Code.

SEC. 518. (a) None of the funds provided by this or previous appropriations Acts may be obligated for deployment or implementation, on other than a test basis, of the Secure Flight program or any other follow on or successor passenger prescreening programs, until the Secretary of Homeland Security certifies, and the Government Accountability Office reports, to the Committees on Appropriations of the Senate and the House of Representatives, that all ten of the elements contained in paragraphs (1) through (10) of section 522(a) of Public Law 108-334 (118 Stat. 1319) have been successfully met.

(b) The report required by subsection (a) shall be submitted within 90 days after the certification required by such subsection is provided, and periodically thereafter, if necessary, until the Government Accountability Office confirms that all ten elements have been successfully met.

(c) During the testing phase permitted by subsection (a), no information gathered from passengers, foreign or domestic air carriers, or reservation systems may be used to screen aviation passengers, or delay or deny boarding to such passengers, except in instances where passenger names are matched to a Government watch list.

(d) None of the funds provided in this or previous appropriations Acts may be utilized to develop or test algorithms assigning risk to passengers whose names are not on Government watch lists.

(e) None of the funds provided in this or previous appropriations Acts may be utilized for data or a database that is obtained from or remains under the control of a non-Federal entity: Provided, That this restriction shall not apply to Passenger Name Record data obtained from air carriers.

SEC. 519. None of the funds made available in this Act may be used to amend the oath of allegiance required by section 337 of the Immigration and Nationality Act (8 U.S.C. 1448).

SEC. 520. None of the funds appropriated by this Act may be used to process or approve a competition under Office of Management and Budget Circular A-76 for services provided as of June 1, 2004, by employees (including employees serving on a temporary or term basis) of United States Citizenship and Immigration Services of the Department of Homeland Security who are known as of that date as Immigration Information Officers, Contact Representatives, or Investigative Assistants.

SEC. 521. None of the funds appropriated by this Act shall be available to maintain the United States Secret Service as anything but a distinct entity within the Department of Homeland Security and shall not be used to merge the United States Secret Service with any other department function, cause any personnel and operational elements of the United States Secret Service to report to an individual other than the Director of the United States Secret Service, or cause the Director to report directly to any individual other than the Secretary of Homeland Security.

SEC. 522. None of the funds appropriated to the United States Secret Service by this Act or by previous appropriations Acts may be made available for the protection of the head of a Federal agency other than the Secretary of Homeland Security: Provided, That the Director of the United States Secret Service may enter into an agreement to perform such service on a fully reimbursable basis.

SEC. 523. The Department of Homeland Security processing and data storage facilities at the John C. Stennis Space Center shall hereafter be known as the "National Center for Critical Information Processing and Storage".

SEC. 524. The Secretary, in consultation with industry stakeholders, shall develop standards and protocols for increasing the use of explosive detection equipment to screen air cargo when appropriate.

SEC. 525. The Transportation Security Administration (TSA) shall utilize existing checked baggage explosive detection equipment and screeners to screen cargo carried on passenger aircraft to the greatest extent practicable at each airport: Provided, That beginning with November 2005, TSA shall provide a monthly report to the Committees on Appropriations of the Senate and the House of Representatives detailing, by airport, the amount of cargo carried on passenger aircraft that was screened by TSA in August 2005 and each month thereafter.

SEC. 526. None of the funds available for obligation for the transportation worker identification credential program shall be used to develop a personalization system that is decentralized or a card production capability that does not utilize an existing government card production facility: Provided, That no funding can be obligated for the next phase of production until the Committees on Appropriations of the Senate and the House of Representatives have been fully briefed on the results of the prototype phase and agree that the program should move forward.

SEC. 527. (a) From the unexpended balances of the United States Coast Guard "Acquisition, Construction, and Improvements" account specifically identified in the Joint Explanatory Statement

(House Report 108–10) accompanying Public Law 108–7 for the 110–123 foot patrol boat upgrade, the Joint Explanatory Statement (House Report 108–280) accompanying Public Law 108–90 for the Fast Response Cutter/110–123 foot patrol boat conversion, and in the Joint Explanatory Statement (House Report 108–774) accompanying Public Law 108–334 for the Integrated Deepwater System patrol boats 110–123 foot conversion, \$78,630,689 are rescinded.

(b) For necessary expenses of the United States Coast Guard for “Acquisition, Construction, and Improvements”, an additional \$78,630,689, to remain available until September 30, 2009, for the service life extension program of the current 110-foot Island Class patrol boat fleet and accelerated design and production of the Fast Response Cutter.

SEC. 528. The Secretary of Homeland Security shall utilize the Transportation Security Clearinghouse as the central identity management system for the deployment and operation of the registered traveler program and the transportation worker identification credential program for the purposes of collecting and aggregating biometric data necessary for background vetting; providing all associated record-keeping, customer service, and related functions; ensuring interoperability between different airports and vendors; and acting as a central activation, revocation, and transaction hub for participating airports, ports, and other points of presence.

SEC. 529. None of the funds made available in this Act may be used by any person other than the privacy officer appointed pursuant to section 222 of the Homeland Security Act of 2002 (6 U.S.C. 142) to alter, direct that changes be made to, delay, or prohibit the transmission to Congress of any report prepared pursuant to paragraph (5) of such section.

SEC. 530. No funding provided by this or previous appropriation Acts shall be available to pay the salary of any employee serving as a contracting officer’s technical representative (COTR) or anyone acting in a similar or like capacity who has not received COTR training.

SEC. 531. Except as provided in section 44945 of title 49, United States Code, funds appropriated or transferred to Transportation Security Administration “Aviation Security” and “Administration” in fiscal years 2004 and 2005 that are recovered or deobligated shall be available only for procurement and installation of explosive detection systems for air cargo, baggage, and checkpoint screening systems: Provided, That these funds shall be subject to section 503 of this Act.

SEC. 532. Not later than 60 days from the date of the enactment of this Act, the Secretary of Homeland Security shall conduct a survey of all ports of entry in the United States and designate an airport as a port of entry in each State that does not have a port of entry.

SEC. 533. Notwithstanding any other provision of law, the Secretary of Homeland Security shall consider eligible under the Federal Emergency Management Agency Public Assistance Program the costs sufficient to enable the city to repair and upgrade all damaged and undamaged elements of the Carnegie Library in the City of Paso Robles, California, which was damaged by the 2003 San Simeon earthquake, so that the library is brought into conformance with all local code requirements for new construction: Provided,

That the appropriate Federal share shall apply to approval for this project.

SEC. 534. Notwithstanding any other provision of law, the Secretary of Homeland Security shall consider eligible under the Federal Emergency Management Agency Public Assistance Program costs for the damage to canals and wooden flumes, which was incurred during a 1996 storm and subsequent mudslide in El Dorado County, California, to the El Dorado Irrigation District, based on fifty percent of the costs of the Improved Project for the Mill Creek to Bull Creek tunnel proposed in a November 2001 Carleton Engineering Report: Provided, That the appropriate Federal share shall apply to approval for this project.

SEC. 535. Notwithstanding any other provision of law, the Secretary of Homeland Security shall consider eligible under the Federal Emergency Management Agency Public Assistance Program the costs sufficient to enable replacement of research and education materials and library collections and for other non-covered losses at the University of Hawaii Manoa campus, Hawaii, resulting from an October 30, 2004, flood event.

SEC. 536. Section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)) is amended by striking “the Internal Revenue Code of 1954 and agriculture as defined in section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)),” and inserting “the Internal Revenue Code of 1986, agriculture as defined in section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)), and the pressing of apples for cider on a farm,”.

SEC. 537. Using funds made available in this Act, the Secretary of Homeland Security shall provide that each office within the Department that handles documents marked as Sensitive Security Information (SSI) shall have at least one employee in that office with authority to coordinate and make determinations on behalf of the agency that such documents meet the criteria for marking as SSI: Provided, That not later than December 31, 2005, the Secretary shall submit to the Committees on Appropriations of the Senate and the House of Representatives: (1) Department-wide policies for designating, coordinating and marking documents as SSI; (2) Department-wide auditing and accountability procedures for documents designated and marked as SSI; (3) the total number of SSI Coordinators within the Department; and (4) the total number of staff authorized to designate SSI documents within the Department: Provided further, That not later than January 31, 2006, the Secretary shall provide to the Committees on Appropriations of the Senate and the House of Representatives the title of all DHS documents that are designated as SSI in their entirety during the period October 1, 2005, through December 31, 2005: Provided further, That not later than January 31 of each succeeding year, starting on January 31, 2007, the Secretary shall provide annually a similar report to the Committees on Appropriations of the Senate and the House of Representatives on the titles of all DHS documents that are designated as SSI in their entirety during the period of January 1 through December 31 for the preceding year: Provided further, That the Secretary shall promulgate guidance that includes common but extensive examples of SSI that further define the individual categories of information cited under 49 CFR 1520(b)(1) through (16)

and eliminates judgment by covered persons in the application of the SSI marking: *Provided further, That such guidance shall serve as the primary basis and authority for the marking of DHS information as SSI by covered persons.*

SEC. 538. For grants to States pursuant to section 204(a) of the REAL ID Act of 2005 (Division B of Public Law 109–13), \$40,000,000, to remain available until expended: Provided, That of the funds provided under this section, \$34,000,000 may not be obligated or allocated for grants until the Committees on Appropriations of the Senate and the House of Representatives receive and approve an implementation plan for the responsibilities of the Department of Homeland Security under the REAL ID Act of 2005 (Division B of Public Law 109–13), including the proposed uses of the grant monies: Provided further, That of the funds provided under this section, not less than \$6,000,000 shall be made available within 60 days from the date of enactment of this Act to States for pilot projects on integrating hardware, software, and information management systems.

SEC. 539. For activities related to the Department of Homeland Security Working Capital Fund, subsection (f) of section 403 of Public Law 103–356 (31 U.S.C. 501 note), is amended by striking “October 1, 2005” and inserting “October 1, 2006”.

SEC. 540. For fiscal year 2006 and thereafter, notwithstanding section 553 of title 5, United States Code, the Secretary of Homeland Security shall impose a fee for any registered traveler program undertaken by the Department of Homeland Security by notice in the Federal Register, and may modify the fee from time to time by notice in the Federal Register: Provided, That such fees shall not exceed the aggregate costs associated with the program and shall be credited to the Transportation Security Administration registered traveler fee account, to be available until expended.

SEC. 541. A person who has completed a security awareness training course approved by or operated under a cooperative agreement with the Department of Homeland Security using funds made available in fiscal year 2006 and thereafter or in any prior appropriations Acts, who is enrolled in a program recognized or acknowledged by an Information Sharing and Analysis Center, and who reports a situation, activity or incident pursuant to that program to an appropriate authority, shall not be liable for damages in any action brought in a Federal or State court which result from any act or omission unless such person is guilty of gross negligence or willful misconduct.

SEC. 542. Of the unobligated balances available in the “Department of Homeland Security Working Capital Fund”, \$15,000,000 are rescinded.

SEC. 543. Of the unobligated balances from prior year appropriations made available for Transportation Security Administration “Aviation Security”, \$5,500,000 are rescinded.

SEC. 544. Of funds made available for the United States Coast Guard in previous appropriations Acts, \$6,369,118 are rescinded, as follows: (1) \$499,489 provided for “Coast Guard, Acquisition, Construction, and Improvements” in Public Law 105–277; (2) \$87,097 provided for “Coast Guard, Operating Expenses” in Public Law 105–277; (3) \$269,217 provided for “Coast Guard, Acquisition, Construction, and Improvements” in Public Law 107–87; (4) \$8,315 pro-

vided for “Coast Guard, Acquisition, Construction, and Improvements” in Public Law 106–69; and (5) \$5,505,000 for “Coast Guard, Acquisition, Construction, and Improvements” in Public Law 108–90.

SEC. 545. *Of the unobligated balances from prior year appropriations made available for the “Counterterrorism Fund”, \$8,000,000 are rescinded.*

SEC. 546. *Of the unobligated balances from prior year appropriations made available for Science and Technology “Research, Development, Acquisition, and Operations”, \$20,000,000 are rescinded.*

SEC. 547. SECURITY SCREENING OPT-OUT PROGRAM. Section 44920 of title 49, United States Code, is amended by adding at the end the following:

“(g) OPERATOR OF AIRPORT.—Notwithstanding any other provision of law, an operator of an airport shall not be liable for any claims for damages filed in State or Federal court (including a claim for compensatory, punitive, contributory, or indemnity damages) relating to—

“(1) such airport operator’s decision to submit an application to the Secretary of Homeland Security under subsection (a) or section 44919 or such airport operator’s decision not to submit an application; and

“(2) any act of negligence, gross negligence, or intentional wrongdoing by—

“(A) a qualified private screening company or any of its employees in any case in which the qualified private screening company is acting under a contract entered into with the Secretary of Homeland Security or the Secretary’s designee; or

“(B) employees of the Federal Government providing passenger and property security screening services at the airport.

“(3) Nothing in this section shall relieve any airport operator from liability for its own acts or omissions related to its security responsibilities, nor except as may be provided by the Support Anti-Terrorism by Fostering Effective Technologies Act of 2002 shall it relieve any qualified private screening company or its employees from any liability related to its own acts of negligence, gross negligence, or intentional wrongdoing.”.

SEC. 548. The weekly report required by Public Law 109–62 detailing the allocation and obligation of funds for “Disaster Relief” shall include: (1) detailed information on each allocation, obligation, or expenditure that totals more than \$50,000,000, categorized by increments of not larger than \$50,000,000; (2) the amount of credit card purchases by agency and mission assignment; (3) obligations, allocations, and expenditures, categorized by agency, by State, and for New Orleans, and by purpose and mission assignment; (4) status of the Disaster Relief Fund; and (5) specific reasons for all waivers granted and a description of each waiver: Provided, That the detailed information required by paragraph (1) shall include the purpose; whether the work will be performed by a governmental agency or a contractor; and, if the work is to be performed by a contractor, the name of the contractor, the type of contract let, and whether the contract is sole-source, full and open competition, or limited competition.

This Act may be cited as the “Department of Homeland Security Appropriations Act, 2006”.

And the Senate agree to the same.

HAROLD ROGERS,
ZACH WAMP,
TOM LATHAM,
JO ANN EMERSON,
JOHN E. SWEENEY,
JIM KOLBE,
ERNEST J. ISTOOK, JR.,
RAY LAHOOD,
ANDER CRENSHAW,
JOHN R. CARTER,
JERRY LEWIS,
MARTIN OLAV SABO,
DAVID E. PRICE,
JOSÉ E. SERRANO,
LUCILLE ROYBAL-ALLARD,
SANFORD D. BISHOP,
CHET EDWARDS,

Managers on the Part of the House.

JUDD GREGG,
THAD COCHRAN,
TED STEVENS,
ARLEN SPECTER,
PETE DOMENICI,
RICHARD SHELBY,
LARRY CRAIG,
ROBERT F. BENNETT,
WAYNE ALLARD,
ROBERT C. BYRD,
DANIEL K. INOUE,
PATRICK J. LEAHY,
BARBARA A. MIKULSKI,
HERB KOHL,
HARRY REID,
DIANNE FEINSTEIN,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2360), making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effects of the action agreed upon by the managers and recommended in the accompanying conference report.

Senate Amendment. The Senate deleted the entire House bill after the enacting clause and inserted the Senate bill. The conference agreement includes a revised bill. Throughout the accompanying explanatory statement, the managers refer to the Committee and the Committees on Appropriations. Unless otherwise noted, in both instances, the managers are referring to the House Subcommittee on Homeland Security and the Senate Subcommittee on Homeland Security.

The language and allocations contained in House Report 109–79 and Senate Report 109–83 should be complied with unless specifically addressed to the contrary in the conference report and statement of managers. The statement of managers, while repeating some report language for emphasis, does not intend to negate the language referred to above unless expressly provided herein. In cases where both the House and Senate reports address a particular issue not specifically addressed in the conference report or joint statement of managers, the conferees have determined that the House report and Senate report are not inconsistent and are to be interpreted accordingly. In cases where the House or Senate report directs the submission of a report, such report is to be submitted to both Committees on Appropriations. Further, in a number of instances, House Report 109–79 and Senate Report 109–83 direct agencies to report to the Committees by specific dates. In those instances, and unless alternative dates are provided in the accompanying explanatory statement, agencies are directed to provide these reports to the Committees on Appropriations no later than February 10, 2006.

CLASSIFIED PROGRAMS

Recommended adjustments to classified programs are addressed in a classified annex accompanying this report.

TITLE I—DEPARTMENTAL MANAGEMENT AND OPERATIONS

OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT

The conferees agree to provide \$79,409,000 instead of \$113,139,000 as proposed by the House and \$124,620,000 as proposed by the Senate. Funding shall be allocated as follows:

| | |
|---|--------------------|
| Immediate Office of the Secretary | \$2,393,000 |
| Immediate Office of the Deputy Secretary | 1,132,000 |
| Chief of Staff | 4,103,000 |
| Executive Secretary | 4,131,000 |
| Office of Policy | 20,713,000 |
| Office of Public Affairs | 8,312,000 |
| Office of Legislative and Intergovernmental Affairs | 6,325,000 |
| Office of General Counsel | 11,267,000 |
| Office of Civil Rights and Liberties | 13,000,000 |
| Citizenship and Immigration Services Ombudsman | 3,652,000 |
| Privacy Officer | 4,381,000 |
| Total | <hr/> \$79,409,000 |

DHS REORGANIZATION

Since March 2005, the Department of Homeland Security (DHS) has been conducting an internal review of its policies, operations and organizational structure, known as the “Second Stage Review”. On July 13, 2005, the Department announced a major reorganization that reflects the findings of this review. A budget amendment was submitted on July 21, 2005, requesting the appropriations structure be modified for fiscal year 2006 to reflect this reorganization proposal. For the most part, the conferees have complied with these requests. The conferees concur with the Department’s decision to abolish the Office of the Under Secretary for Border and Transportation Security (BTS); BTS functions have been merged into other offices and component agencies throughout the Department. The conferees have agreed to split the Directorate of Information Analysis and Infrastructure Protection into two new components—Analysis and Operations and the Preparedness Directorate—and move all State and local grants and associated activities to the new Preparedness Directorate. The conferees concur with the Secretary’s recommendation to transfer the Federal Air Marshals to the Transportation Security Administration. Finally, the conferees have included and expanded the roles and responsibilities of the Office of Policy. A more detailed discussion of this reorganization is contained under statement of managers language for each impacted office.

NEW STAFF

The conferees agree to provide funding to support a total of seven new full-time equivalents (FTEs) requested in the budget, including one FTE in the Office of Policy to represent the United States at the European Union, two FTEs in Office of General Counsel, and four FTEs in the Privacy Office. The conferees have approved additional new FTEs for the Office of Security and the Office of National Capital Region Coordination elsewhere in this statement of managers, reflecting changes recommended as a result of the Secretary’s organizational restructuring plan submitted on July 13, 2005. The remaining FTEs requested in the budget have been denied due to a large number of unfilled positions in these individual offices. Except for the Privacy Office and the representative to the European Union, the conferees believe full-year funding is not necessary for salaries of employees who are not yet on-board. The conferees have provided half-year funding for new staff in fiscal year 2006.

The conferees, in agreeing to the Secretary's organizational restructuring plan submitted on July 13, 2005, have moved additional staff from other agencies within the Department to various offices within the Office of the Secretary and Executive Management. These changes are discussed separately in each office.

ANNUAL BUDGET JUSTIFICATIONS

For fiscal year 2007, the conferees direct that the Congressional budget justifications for all departmental offices be submitted in the same level of detail as the detailed table contained in the back of this report and in the accompanying classified annex. These justifications should include detailed data and explanatory statements in support of each appropriations request, including tables that detail each departmental office program, project, and activity for fiscal years 2006 and 2007. All funding and staffing changes for each individual office must be highlighted and explained, including separate discussions for personnel, compensation, and benefits; travel; training; and other services. The classified budget documents must be submitted at the same time as the unclassified budget. The justifications must be in compliance with section 1105(a) of title 31, including explicit information by appropriations account program, project, and activity on all reimbursable agreements and all uses of the Economy Act for each fiscal year. The budget justifications shall include a table identifying the last year that authorizing legislation was provided by Congress for each program, project, or activity; the amount of the authorization; and the appropriation in the last year of authorization. Finally, in accordance with section 6025 of Public Law 109-13, the Department is required to submit a complete budget justification for the Working Capital Fund.

OFFICE OF POLICY

The conferees agree to provide \$20,713,000 instead of \$8,770,000 as proposed by the House and \$7,258,000 as proposed by the Senate. The Secretary submitted a new organizational restructuring plan on July 13, 2005, which included major changes to the Office of Policy; the conference agreement reflects these changes. The conferees include the activities of the Special Assistant to the Secretary—Private Sector; Office of Immigration Statistics; 18 FTEs from the Office of the Under Secretary for BTS; and three FTEs from the Directorate of Information Analysis and Infrastructure Protection. The conferees have denied funding for the Operational Integration staff as part of this office or any other entity within DHS.

STOLEN PASSPORTS

The conferees direct the Secretary to report on Departmental actions to prevent and stop the use of stolen passports, as directed in House Report 109-79, under the Office of the Under Secretary for Border and Transportation Security.

OFFICE OF SECURITY

Funding for the Office of Security is provided within the Under Secretary for Management, as requested in the Secretary's organizational restructuring plan submitted on July 13, 2005.

OFFICE OF NATIONAL CAPITAL REGION COORDINATION

Funding for the Office of National Capital Region Coordination is provided within the Preparedness Directorate, Management and Administration account as requested in the Secretary's organizational restructuring plan submitted on July 13, 2005.

OFFICE OF LEGISLATIVE AND INTERGOVERNMENTAL AFFAIRS

The conferees agree to provide \$6,325,000 instead of \$5,500,000 as proposed by the House and \$5,400,000 as proposed by the Senate. As proposed in the Secretary's organizational restructuring plan submitted on July 13, 2005, six FTEs are transferred from the Office of State and Local Government Coordination and Preparedness, Management and Administration account, to the Office of Legislative Affairs for intergovernmental coordination activities. Within the funds provided, \$5,400,000 is for legislative affairs and \$925,000 is for intergovernmental operations.

OPERATIONAL INTEGRATION STAFF

The conferees agree to provide no funding for the Operational Integration staff, as proposed by the Senate instead of \$7,495,000 as proposed by the House. The conferees note the new Office of Policy will perform many of the proposed activities of the Operational Integration staff. For those few functions not adequately covered by the new Policy Office, the conferees include three new FTEs within Analysis and Operations. These additional staff shall be located within the Homeland Security Operations Center to coordinate departmental activities.

OFFICE OF THE PRIVACY OFFICER

The conferees agree to provide \$4,381,000 for the Office of the Privacy Officer as proposed by the House instead of \$3,981,000 as proposed by the Senate. This funding will support the hiring of four new FTEs. The conferees concur with House report language requiring the Secretary to instruct all DHS entities to respond to information and document requests from the Privacy Officer within the requested time frame.

OFFICE OF CIVIL RIGHTS AND CIVIL LIBERTIES

The conferees agree to provide \$13,000,000 for the Office of Civil Rights and Civil Liberties and direct this office to hire ten additional staff to fulfill requirements of the Intelligence Reform and Terrorism Prevention Act (Public Law 108-458), as discussed in the Senate report.

REPORTING REQUIREMENTS

While DHS has made progress in submitting reports to the Committees on Appropriations, there are many that are still overdue. DHS is to improve its responsiveness to Congress and better monitor the status of reports requested in this statement of managers and previous House and Senate reports. For reports that cannot be issued by the due date, the conferees direct DHS to inform the Committees in a timely manner, explain the reason for the delay, and seek the concurrence of the Committees on a new issuance date.

IMMIGRATION ENFORCEMENT

Both the House and Senate reports highlighted the alarming statistics regarding our Nation's broken immigration system. In the context of threats facing our Nation, the disturbing growth in our illegal alien population shows immigration enforcement and border control are not succeeding. The conferees agree with the Sense of the Senate proviso expressed in section 519 of the Senate bill, which recognizes the reality of terrorists taking advantage of inadequate security along our border with Mexico, and the need for the Government of Mexico to improve border and security policies on its side of the border. The conferees include bill language directing the Secretary to develop a comprehensive immigration enforcement strategy that results in reducing the number of undocumented aliens in the United States by ten percent per year and direct that the strategy be in accordance with House Report 109-79. The funding is not contingent on the submission of this strategy to Congress as proposed by the House. Further, the conferees direct the report on the internal transport of illegal aliens requested in House Report 109-79 from the Under Secretary of Border and Transportation Security be included in the comprehensive immigration enforcement strategy report.

The conferees direct the Secretary to assume responsibility for the joint report between DHS and the U.S. Department of Justice on reducing absconders required by Senate Report 109-83, and submit the report not later than February 10, 2006.

CARGO CONTAINER SECURITY

The report submitted by the Department on June 9, 2005, was late and did not fully respond to directions of the statement of managers accompanying the conference report (H. Report 108-774) on the fiscal year 2005 Department of Homeland Security Appropriations Act (P.L. 108-334). The Department is directed to conduct the review again and submit a new report that fully complies with those requirements as soon as possible, but no later than February 10, 2006.

TRANSPORTATION SECURITY

In September 2005, the Department submitted its integrated strategic transportation security plan. With the recent events in London, it is even more critical the Department quickly begin to implement strategies outlined in this plan. The conferees direct the Secretary to update the Committees on Appropriations every six

months on what progress has been made to enhance transportation security as outlined in the plan. The first update is due March 1, 2006.

GENERAL AVIATION SECURITY

The Secretary, in coordination with the Secretary of Transportation, shall submit a report to the House and Senate Committees on Appropriations; the Senate Committee on Commerce, Science, and Transportation; the Senate Committee on Homeland Security and Government Affairs; and the House Committee on Homeland Security no later than 120 days from the date of enactment of this Act on the vulnerability posed to high-risk areas and facilities from general aviation aircraft that could be stolen or used as a weapon against those areas. Such areas to be considered include those with critical transportation infrastructure, nuclear facilities, military bases, and other highly populated areas with similarly situated critical infrastructure. The report shall include: an analysis of what security vulnerabilities exist at general aviation airports that would permit a general aviation aircraft to be stolen and used as a weapon; whether existing security precautions to prevent breaches of flight lines, perimeters, and aircraft are sufficient; and any additional security measures that could increase the security of general aviation aircraft and airports.

CHEMICAL SECURITY

The conferees are pleased by the Department's recent endorsement of mandatory security requirements for the chemical sector and believe enforceable Federal standards to protect against a terrorist attack on chemical facilities within the United States are necessary. Despite testimony from the Director of Central Intelligence that the chemical industrial infrastructure is vulnerable to a terrorist attack, no federal security measures have been established for the chemical sector. The Department has concluded that, from a regulatory perspective, the existing patchwork of authorities does not permit the effective regulation of the chemical industry. Yet, no legislation has been proposed by the Department to give it such authority. The conferees direct the Secretary to submit a report to the Committees on Appropriations by February 10, 2006, on the resources needed to implement mandatory security requirements for the Nation's chemical sector and to create a system for auditing and ensuring compliance with the security standards. The report should also include a description of the security requirements and any reasons why the requirements should differ from those already in place for chemical facilities that operate in a port zone.

AWARDING OF GRANTS

Consistent with the Senate report, the conferees direct the Department to submit a report by February 10, 2006, providing an expedited schedule for award of grant funds made available by this Act, and for any prior year funds that remain unobligated. For those grant funds awarded after March 30, 2006, the conferees direct the Department to submit a detailed explanation for the delay.

QUADRENNIAL HOMELAND SECURITY REVIEW

The conferees agree there are benefits for the Department of Homeland Security in conducting a Quadrennial Homeland Security Review similar to the quadrennial reviews conducted by the Department of Defense. The conferees encourage the Department to conduct such a review consistent with the terms and conditions listed in section 523(a) through (c) of the Senate bill. The review should be submitted to the House and Senate Committees on Appropriations, the Senate Committee on Homeland Security and Governmental Affairs, and the House Committee on Homeland Security no later than September 30, 2008.

DATA MINING

The conferees continue to be concerned with the Department's possible use or development of data-mining technology and direct the DHS Privacy Officer to submit a report consistent with the terms and conditions listed in section 528 of the Senate bill.

WORKFORCE DIVERSITY

The conferees urge the Department to make every reasonable effort to ensure diversity in its workforce, procurement, and research partnerships. The conferees also urge the Department to strive to create partnerships and participation in the Centers of Excellence program by historically black colleges and universities, Hispanic-serving institutions, Alaska Native serving institutions and tribally-controlled colleges.

BORDER AND TRANSPORTATION SECURITY REPORTING

The conferees agree to eliminate the requirement set forth in the House report for the Under Secretary for Border and Transportation Security (BTS) to report on the roles and responsibilities of BTS agencies.

OFFICE OF SCREENING COORDINATION AND OPERATIONS

The conferees agree to provide \$4,000,000 for the management and administration of the Office of Screening Coordination and Operations. The conferees do not agree to transfer United States Visitor and Immigrant Status Indicator Technology, Secure Flight, or any other program activities to this office. These activities are to remain separate and distinct and are funded under other appropriations in this Act.

OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

The conferees agree to provide \$168,835,000 instead of \$49,984,000 as proposed by the House and \$146,322,000 as proposed by the Senate. Funding shall be allocated as follows:

| | |
|--|---------------------|
| Under Secretary for Management | \$1,687,000 |
| Office of Security | 51,278,000 |
| Business Transformation Office | 1,880,000 |
| Office of the Chief Procurement Officer | 9,020,000 |
| Office of the Chief Human Capital Officer | 38,900,000 |
| Office of the Chief Administrative Officer | 66,070,000 |
| Total | <hr/> \$168,835,000 |

NEW STAFF

The conferees agree to provide funding to support a total of 71 new full-time equivalents (FTEs), including 60 FTEs in the Office of Security, ten FTEs in the Office of Administration and one FTE for the Office of the Chief Human Capital Officer. Funding was not provided for the one new FTE requested by the Under Secretary for Management. The conferees believe full-year funding is not necessary for salaries of employees who are not yet on-board and instead have provided half-year funding for the new staff in fiscal year 2006.

BUSINESS TRANSFORMATION OFFICE

The conferees agree to provide \$1,880,000 for the Business Transformation Office instead of \$948,000 as proposed by the House and \$920,000 as proposed by the Senate. Funding levels reflect a transfer of seven FTEs from the Under Secretary for Border and Transportation Security, as requested in the Secretary's organizational restructuring plan submitted on July 13, 2005.

OFFICE OF THE CHIEF PROCUREMENT OFFICER

The conferees agree to provide \$9,020,000 for the Office of the Chief Procurement Officer. As discussed in the Senate report, the conferees direct the Chief Procurement Officer to use the increased funding to hire and train qualified procurement officers, to report on the number of procurement officers in the Department, including each organization, for fiscal years 2004, 2005, and proposed for 2006, and to provide an assessment of the adequacy of the numbers and training of those personnel.

OFFICE OF THE CHIEF HUMAN CAPITAL OFFICER

The conferees agree to provide \$38,900,000 instead of \$61,951,000 as proposed by the House and \$61,996,000 as proposed by the Senate. Within the funds provided, \$8,900,000 is for salaries and expenses and \$30,000,000 is for the new human resource management system, known as MAX-HR. As discussed in the Senate report, the conferees direct the Department to submit a report on the progress made to implement the MAX-HR system. In addition to the total funding available and needed for this program by year, the report shall list all contract obligations and expenditures by contractor by year, along with the purpose of the contract.

OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER

The conferees agree to provide \$66,070,000 instead of \$66,356,000 as proposed by the House and \$66,801,000 as proposed by the Senate. Within the funds provided, \$40,000,000 is for sala-

ries and expenses and \$26,070,000 is to consolidate and integrate headquarter operations at the Nebraska Avenue Complex (NAC).

Of the \$26,070,000 provided for the NAC, \$8,300,000 is for security enhancements, \$10,257,000 is for tenant improvements, \$3,400,000 is for capital improvements, and \$4,113,000 is for campus-wide design and construction costs. The conferees agree to language included in the Senate report directing the Department to update the Committees on Appropriations regularly on the physical consolidation and planned expenditures for the NAC, as well as its plans for a permanent headquarters. These updates should occur as frequently as necessary but not less than quarterly.

OFFICE OF IMMIGRATION STATISTICS

Funding for the Office of Immigration Statistics is provided within the Office of the Secretary and Executive Management, as requested in the Secretary's organizational restructuring plan submitted on July 13, 2005.

OFFICE OF SECURITY

The conferees agree to provide \$51,278,000 as proposed by the House instead of \$55,278,000 as proposed by the Senate. The conferees agree to move the Office of Security to the Office of the Under Secretary for Management, as requested in the Secretary's organizational restructuring plan submitted on July 13, 2005.

SENSITIVE SECURITY INFORMATION

The conferees agree to include a general provision (section 537) on Sensitive Security Information (SSI) as proposed by the House. The conferees are concerned that because of insufficient management controls, information that should be in the public domain may be unnecessarily withheld from public scrutiny. The conferees require the Secretary to ensure that each appropriate office has an official with the clear authority to designate documents as SSI and to provide clear guidance as to what is SSI material and what is not. Designation means an original determination made by a limited number of appointed officials pursuant to 49 CFR §1520.5(b)(1)–(16)). The conferees direct the Secretary to report to the Committees not later than January 3, 2006, the titles of all documents that are designated by DHS as SSI in their entirety during the period beginning October 1, 2005, and ending December 31, 2005, and a full-year report each year thereafter.

CLASSIFIED AND SECURITY SENSITIVE DOCUMENTS

The conferees direct the Office of Security to ensure the Department's classified and security sensitive documents clearly identify, paragraph-by-paragraph, which paragraphs contain classified information and which do not. This is consistent with actions taken by other federal agencies.

UNOBLIGATED BALANCES

The conferees direct the Under Secretary for Management to submit a report listing all funds transferred to the Department when it was formed that remain unobligated, the purpose for which

the funds were appropriated, the reason the funds remain unobligated, and the Department's plans for the use of these funds, as discussed in the Senate report.

WORKING CAPITAL FUND

The conferees agree to include a provision (section 542) that rescinds \$15,000,000 from the Department's Working Capital Fund (WCF) instead of \$7,000,000 as proposed by the House and \$12,000,000 as proposed by the Senate.

The conferees direct the Department to use the WCF plan submitted on April 11, 2005, as the base document for funding decisions in fiscal year 2006. The Committees on Appropriations shall be notified and must approve any deviations from that plan. In addition, section 6024 of Public Law 109-13 excludes funding of the Homeland Secure Data Network (HSDN) within the WCF. The conferees continue to support this position and have provided adequate funding for HSDN within the Office of the Chief Information Officer. The WCF should not be used to supplement HSDN without notification and approval of the Committees.

OFFICE OF THE CHIEF FINANCIAL OFFICER

The conferees agree to provide \$19,405,000 instead of \$18,505,000 as proposed by the House and \$18,325,000 as proposed by the Senate. Funding levels reflect a transfer of seven FTEs from the Under Secretary for Border and Transportation Security, as requested in the Secretary's organizational restructuring plan submitted on July 13, 2005.

MONTHLY REPORTING REQUIREMENTS

The Department is directed to submit a monthly budget execution report that includes: the total obligational authority appropriated (new budget authority plus unobligated carryover), undistributed obligational authority, amount allotted, current year obligations, unobligated authority (the difference between total obligational authority and current year obligations), beginning unexpended obligations, year-to-date costs, and year end unexpended obligations. This budget execution information is to be provided at the level of detail shown in the tables displayed at the end of this report for each Departmental component and the Working Capital Fund. This report must be submitted to the Committees on Appropriations no later than 45 days after the close of each month.

OFFICE OF THE CHIEF INFORMATION OFFICER

The conferees agree to provide \$297,229,000 for the Office of the Chief Information Officer (CIO) instead of \$303,700,000 as proposed by the House and \$286,540,000 as proposed by the Senate. Funding shall be allocated as follows:

| | |
|--|--------------|
| Salaries and Expenses | \$75,756,000 |
| Information Technology Services | 83,444,000 |
| Human Resources | 21,000,000 |
| Emerge2 | 18,000,000 |
| Information Technology Support | 44,444,000 |
| Security Activities | 19,000,000 |
| Terrorist watch list integration | 10,000,000 |

| | |
|---|--------------------|
| Information Security and Infrastructure | 9,000,000 |
| Wireless Program | 86,000,000 |
| Replace legacy border components | 16,000,000 |
| New investments in radio infrastructure—borders | 52,000,000 |
| Infrastructure optimization and upgrade | 18,000,000 |
| Homeland Secure Data Network | 33,029,000 |
| Total | 297,229,000 |

INFORMATION TECHNOLOGY INVESTMENTS

The conferees are concerned with the lack of coordination within the Department regarding its information technology (IT) activities. In the interest of fully leveraging and optimizing the potential contribution of IT investments in meeting the homeland security mission while controlling IT investment costs, maintaining schedules, and delivering capabilities, it is critical DHS clearly articulate its objectives and needs. In addition, the conferees are disappointed that, for the last two years, major portions of the IT activities have not been properly displayed in the budget. The conferees direct the CIO to follow the Committees' direction regarding the content and format of appropriations justifications found within the Office of the Secretary for all IT investments.

The conferees agree to include bill language requiring the Department to submit an expenditure plan within 60 days from the date of enactment of this Act for all IT projects funded through the CIO, or funded by multiple components of the Department through reimbursable agreements. This expenditure plan shall also include a detailed program assessment of the scope; total estimated cost; cost by year; and the schedule for completion, including significant milestones, for each individual project funded for fiscal year 2006 for information technology services, security activities, and wireless programs.

The conferees direct the CIO to provide a report by February 10, 2006, to include: an update of the information technology system inventory dated September 15, 2005; the status and timeline of security certifications for each system; the status of aligning each system with an appropriate investment portfolio; and the status of identifying the systems and/or applications that will migrate to the National Center for Critical Information Processing and Storage during fiscal year 2006.

The conferees agree to include bill language requiring the Department to report on the enterprise architecture and other strategic planning; an Information Technology Human Capital Plan, to include an inventory of current IT work force knowledge and skills, a gap analysis of any shortfalls, and a plan for addressing any shortfalls; a capital investment plan for implementing the enterprise architecture; and a description of the IT capital planning and investment control process. The report must be reviewed and approved by the Office of Management and Budget, reviewed by the Government Accountability Office, and delivered to the Committees within 180 days of enactment of this Act.

The conferees are aware the Department plans to consolidate DHS component agency data centers into two primary data centers. Consistent with section 888 of Public Law 107-296, the conferees instruct the Department to implement the consolidation plan in a manner that shall not result in a reduction to the Coast Guard's

Operations System Center mission or its government-employed or contract staff levels.

The conferees have included funding of \$33,029,000 for the Homeland Secure Data Network (HSDN) within this account as proposed by the Senate. Other accounts that formerly had resources requested for the HSDN have been reduced accordingly.

Within the total for Information Technology Services, the conferees agree to provide \$13,255,000 for Geospatial activities; \$2,500,000 for Solutions Engineering; \$4,500,000 for Enterprise Applications Delivery; \$2,000,000 for e-Gov Initiatives; \$5,500,000 for Program Management Support; \$1,500,000 for Comsec Modernization; and \$3,000,000 for Smartcard Activities. The conferees agree to provide no funding for the MetaData Center of Excellence or the Applied Technology program.

ANALYSIS AND OPERATIONS

The conferees agree to provide \$255,495,000 for Analysis and Operations (A&O). The conferees establish this new appropriation in response to the Secretary's organizational restructuring plan submitted on July 13, 2005, and include resources previously provided under the Directorate of Information Analysis and Infrastructure Protection (IAIP) and the Office of the Under Secretary for Border and Transportation Security. The conferees direct the Department to submit a detailed expenditure plan describing the intended use of this funding. This plan shall be provided no later than 60 days from the date of enactment of this Act. The conference recommendation includes sufficient funding to complete distribution of National Weather Service all-hazards radios to schools on a priority basis as proposed by the Senate.

The conferees reduce funding for IAIP Management and Administration transferred to this account based on a continuing large number of vacancies. The Secretary shall submit to the Committees on Appropriations no later than February 10, 2006, a report that identifies staffing and other resource requirements that reconciles the Department's intelligence mission responsibilities under the various Acts and executive orders.

OFFICE OF INSPECTOR GENERAL

The conferees agree to provide \$83,017,000 for the Office of Inspector General as proposed by the House and the Senate.

PORT SECURITY

The conferees direct the Inspector General to review the steps the Department has taken to comply with recommendations contained in the Inspector General's report on port security grants (OIG-05-10). This report should be submitted to the House and Senate Committees on Appropriations; the Senate Committee on Commerce, Science, and Transportation; the Senate Committee on Homeland Security and Government Affairs; and the House Committee on Homeland Security no later than February 10, 2006.

TITLE II—SECURITY, ENFORCEMENT, AND INVESTIGATIONS

OFFICE OF THE UNDER SECRETARY FOR BORDER AND TRANSPORTATION SECURITY

SALARIES AND EXPENSES

The conferees agree to provide no funding for this appropriation, as proposed in the Secretary's organizational restructuring plan submitted on July 13, 2005, which abolished the Office of the Under Secretary for Border and Transportation Security (BTS), instead of \$8,617,000 as proposed by the House and \$9,617,000 as proposed by the Senate. Funding for the functions currently performed by this office is included under other appropriations in this Act and is identified accordingly.

UNITED STATES VISITOR AND IMMIGRANT STATUS INDICATOR TECHNOLOGY

The conferees agree to provide \$340,000,000 as proposed by the Senate instead of \$390,000,000 as proposed by the House. Of these funds, \$86,000,000 is available for program management and operations, and \$159,658,000 is subject to the requirements of a detailed expenditure plan.

In the statement of managers accompanying the conference report on Public Law 108–334, the Department was directed to submit a report by January 14, 2005, on the status of efforts between the Departments of Homeland Security and Justice to achieve real-time interoperability between the Integrated Automated Fingerprint Identification System and the Automated Biometric Identification System. The Committees on Appropriations did not receive the report until August 22, 2005. The conferees direct the cost and schedule estimate referred to in the report be completed no later than November 20, 2005, so the results can be incorporated into the fiscal year 2006 United States Visitor and Immigrant Status Indicator Technology (US-VISIT) expenditure plan and the fiscal year 2007 President's Budget.

The conferees are encouraged by the Department's announcement of its plans to migrate the US-VISIT program to a ten-finger-print system—a major step toward full interoperability. The Department is directed to work with the Department of State and report expeditiously on what resources it will need and what actions it will take to achieve this goal.

Finally, the conferees direct that US-VISIT adhere to the most stringent standards in developing and testing its system plans prior to their being deployed or made operational.

CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

The conferees agree to provide \$4,826,323,000 for Customs and Border Protection (CBP), instead of \$4,885,544,000 as proposed by the House and \$4,922,600,000 as proposed by the Senate. This includes: \$1,796,464,000 for border security between ports of entry, including 1,000 additional Border Patrol Agents and \$79,496,000 to

annualize the cost of 500 Border Patrol Agents funded in Public Law 109-13; \$63,024,000 for inspection and detection technology investments, including \$1,018,000 to continue the in-bond container security study; \$4,000,000 for the Immigration Advisory Program; \$500,000 to continue steel tariff training; \$54,268,000 for the Customs-Trade Partnership Against Terrorism; \$7,000,000 for the FAST program; \$14,000,000 for the SENTRI and NEXUS programs; \$9,134,000 for the Advanced Training Center; not less than \$163,560,000 for the salaries and expenses for the Office of Air and Marine Operations, including \$5,000,000 for additional staff, equipment and operations, \$5,500,000 for a new Montana Northern Border airwing, and \$17,000,000 to cover salaries and expenses associated with the integration of former Border Patrol pilots. Funding was decreased by \$12,725,000 from the President's request to reflect that enforcement of forced child labor laws is now a responsibility of Immigration and Customs Enforcement, and by \$49,651,000 to reflect all funding for procurement, operations and maintenance of aircraft and marine vessels is included in the Air and Marine Interdiction, Operations, Maintenance, and Procurement appropriation. The conferees make \$10,000,000 unavailable for obligation until a detailed five year plan for air and marine operations is submitted to the Committees on Appropriations. No funding is provided in this account for radiation portal monitors. The conferees do not include a rescission of \$14,400,000 as proposed by the Senate.

The following table specifies funding by budget activity:

| | |
|---|-----------------|
| Headquarters Management and Administration: | |
| Border Security Inspections and Trade Facilitation | \$655,000,000 |
| Border Security and Control Between Ports of Entry | 590,000,000 |
| Subtotal, Headquarters Management and Administration .. | 1,245,000,000 |
| Border Security Inspections and Trade Facilitation: | |
| Inspections, Trade and Travel Facilitation at Ports of Entry | 1,262,269,000 |
| Harbor Maintenance Fee Collection (Trust Fund) | 3,000,000 |
| Container Security Initiative | 138,790,000 |
| Other International Programs | 8,629,000 |
| Customs-Trade Partnership Against Terrorism/Free and Secure Trade (FAST)/SENTRI/NEXUS | 75,268,000 |
| Inspection and Detection Technology Investments | 63,024,000 |
| Automated Targeting Systems | 28,253,000 |
| National Targeting Center | 16,697,000 |
| Other Technology Investments, Including Information Technology | 1,018,000 |
| Training | 24,351,000 |
| Subtotal, Border Security Inspections and Trade Facilitation | 1,621,299,000 |
| Border Security and Control Between Ports of Entry: | |
| Border Security and Control | 1,742,977,000 |
| America's Shield Initiative | 31,284,000 |
| Training | 22,203,000 |
| Subtotal, Border Security and Control Between Ports of Entry | 1,796,464,000 |
| Air and Marine Operations, Salaries and Expenses | 163,560,000 |
| Total, Salaries and Expenses | \$4,826,323,000 |

CONTAINER SECURITY

The conferees concur with the requirement, as detailed in the House report, for a report on how non-intrusive inspection technology system selection, use, and financing for the Container Security Initiative (CSI) could be improved, as well as the Senate report requirement on relations with CSI host nations, to include: steps to explain CSI targeting to host governments; coordination with the State Department; options for withdrawal from uncooperative CSI host nations; and actions taken on Government Accountability Office recommendations for CSI improvement. The conferees direct the Commissioner to submit both reports not later than February 10, 2006.

TRAINING

The conferees concur with the Senate report regarding sixth training day compensation.

EXPEDITED REMOVAL

The conferees are aware the Department has announced a plan to expand its expedited removal program, following success in reducing the overall cost of detention housing for other than Mexican nationals in the Laredo and Tucson sectors, in reducing the number of aliens released on their own recognizance, and in increasing deterrence. The conferees direct the Department to report not later than February 10, 2006, on Border Patrol costs associated with the expanded expedited removal program.

BORDER CROSSING CARDS

The conferees endorse Senate report language requesting a report on Border Crossing Cards and card scanners.

ENFORCEMENT OF TRADE REMEDIES LAW

The conferees have ensured that, of the amounts provided within this account, sufficient funds are available to enforce the anti-dumping authority contained in section 754 of the Tariff Act of 1930 (19 U.S.C. 1675c).

The conferees direct CBP to continue to work with the Department of Commerce, the Department of Treasury, the Office of the United States Trade Representative, and all other relevant agencies, to provide semiannual reports on its efforts to collect past due amounts and to increase current collections. Furthermore, by June 30, 2006, CBP is to provide the Committees on Appropriations with an update of its report submitted on July 7, 2005, describing inter-agency efforts to create a coordinated plan to increase antidumping and countervailing duty collections, particularly related to cases involving unfairly traded Asian imports. The report should break out the non-collected amounts for fiscal years 2004 and 2005, by order and claimant, along with a description of the specific reasons for the non-collection with respect to each order.

The conferees direct CBP to confirm that it has completed all of the initiatives, processes, and procedures identified in its February 2005 report to the Committees on Appropriations (including Attachment 1) regarding implementation of the recommendations

that were contained in the U.S. Treasury Department Office of the Inspector General report on the Continued Dumping and Subsidy Offset Act. Further, the conferees direct CBP to implement the five recommendations for executive action contained in the GAO report (GAO-05-979) dated September 2005. If those processes and procedures have not been completed, CBP is directed to provide an explanation as to why they have not been completed, and a deadline for when they will be completed. This includes the deadlines for implementing the processes and procedures for verification, including, in particular, the development of the sampling methodology to validate the claimed amount; the testing plan; and all accompanying aspects of verification.

AMERICA'S SHIELD INITIATIVE

The conferees have not provided the requested increase of \$19,800,000 for America's Shield Initiative (ASI). At this time, the conferees understand the Department is reviewing the entire planning process for ASI and may suspend all major procurement action until it has resolved fundamental questions about scope and architecture, and possibly its relation to overall, nationwide border domain security and awareness. The conferees expect to be kept informed of the results of this review before the Department proceeds with any significant action and concur with House reporting requirements. The conferees encourage program managers to explore the use of commercial, airborne, off-the-shelf wireless technology as it develops this program.

AGRICULTURAL INSPECTIONS

The conferees direct the Department, in coordination with the U.S. Department of Agriculture, to submit a report by February 10, 2006, providing the information requested in Senate Report 109-83 concerning reduced agricultural inspection levels.

TEXTILE TRANSSHIPMENT ENFORCEMENT

Section 352 of the Trade Act of 2002 authorizes funding for Customs Service textile transshipment enforcement, and specifies how the funds be spent. The conferees include \$4,750,000 to continue this effort and direct CBP to report not later than February 10, 2006, on obligating these funds, as well as those appropriated in fiscal years 2004 and 2005. The report should include staffing levels in fiscal years 2003-2006, differentiated by position, as authorized in section 352 of the Trade Act of 2002, and include a five-year enforcement plan. The report should also describe how CBP has redeployed its workforce previously assigned to enter and monitor quota information now that quotas have expired.

TOBACCO IMPORTS

The conferees endorse the requirements set forth in both the House and Senate reports regarding tobacco product imports and direct the Department to comply with them.

AUTOMATION MODERNIZATION

The conferees agree to provide \$456,000,000 instead of \$458,009,000 as proposed by both the House and the Senate. This amount includes funding for the Automated Commercial Environment (ACE), the Integrated Trade Data System (ITDS), and the costs of the legacy Automated Commercial System. This funding includes not less than \$320,000,000 for ACE and ITDS, of which \$16,000,000 is for ITDS, and all of which remains subject to approval of an expenditure plan.

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

The conferees agree to provide \$400,231,000 instead of \$347,780,000 as proposed by the House and \$320,580,000 as proposed by the Senate. This includes: \$15,000,000 for palletized sensor systems for P-3 long range tracker aircraft; \$16,000,000 for P-3 service life extension; \$14,000,000 for manned, covert surveillance aircraft; \$12,800,000 for the Montana Northern Border air branch; \$20,000,000 for replacement of Border Patrol helicopters; \$10,180,000 for unmanned aerial vehicles; \$19,471,000 for operations and maintenance of legacy Border Patrol aircraft and marine vessels; and \$2,000,000 to begin work on a North Dakota air wing.

P-3 AIRCRAFT

The conferees recognize the CBP P-3 fleet is a critical asset in both homeland security and drug interdiction missions. As CBP implements a service life extension program for its P-3 aircraft, the conferees encourage CBP to adopt the most cost-effective long-term solution for the maximum life extension of its P-3 fleet. In addition, the conferees are aware the U.S. Navy and most nations who fly the P-3 have made service life assessments of their aircraft. The conferees believe CBP should undertake similar assessments to document the airworthiness and structural life remaining in the CBP fleet and direct the Commissioner to incorporate the results of such a service life assessment into the modernization plan.

UNMANNED AERIAL VEHICLES

The conferees agree to provide \$10,180,000 for unmanned aerial vehicles, as requested by the President and proposed by both the House and Senate, which may be deployed between ports of entry on the Southwest Border.

CBP AIR PROGRAM

The conferees are aware that the Commissioner plans to combine air operations of the Office of Air and Marine Operations and the Office of Border Patrol into "CBP Air", and the conference agreement adjusts the budget accordingly. The conferees direct the Department to implement fully the recommendations in GAO report GAO-05-543 and, as integration proceeds, to consult with the Committees on Appropriations before making any changes in the nature and level of support for legacy air missions.

STRATEGIC PLAN, MODERNIZATION AND RECAPITALIZATION

The conferees remind the Department that detailed information requested in previous conference reports has yet to be provided. With CBP air integration under way, it is essential Congress receive information to understand the status and requirements of the CBP air and marine programs. The conferees withhold \$10,000,000 from the CBP Salaries and Expenses appropriation until the Committees on Appropriations receive a five-year strategic plan for CBP Air (and marine, if complete) that addresses missions, structure, operations, equipment, facilities and resources, including deployment and command and control requirements. This report is to include a modernization plan, including milestones and funding required to recapitalize its fleet and operations, as well as a detailed staffing plan showing current on-board positions, annual targets, and a timetable with associated costs to achieve full staffing to meet all mission requirements.

NATIONAL AVIATION CENTER

The conferees understand the Oklahoma City National Aviation Center has augmented its pilot training with computer-based instructions and simulation, which has increased training efficiency while decreasing costs. The conferees direct the Department to continue this approach.

NORTHERN BORDER AIRWINGS

The conferees believe remaining gaps in air patrol coverage of the Northern Border should be closed as quickly as possible and include \$2,000,000 for the initial site assessment, facilities evaluation, lease preparation and other activities associated with the fifth Northern Border airwing in Grand Forks, North Dakota. The conferees direct the Department to include in its fiscal year 2007 budget request the resources necessary to establish the airwing.

CONSTRUCTION

The conferees agree to provide \$270,000,000 instead of \$93,418,000 as proposed by the House and \$311,381,000 as proposed by the Senate. This includes: \$81,963,000 for facilities to accommodate 1,000 additional Border Patrol Agents; \$35,000,000 for the San Diego fence construction project; \$35,000,000 for tactical infrastructure projects in the Tucson sector; and \$26,000,000 for the Advanced Training Center. The conferees direct CBP to provide a spending plan and a revised master plan to the Committees on Appropriations that reflects this funding.

IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

The conferees agree to provide \$3,108,499,000 for Immigration and Customs Enforcement (ICE) Salaries and Expenses, instead of \$3,064,081,000 as proposed by the House and \$3,052,416,000 as proposed by the Senate. This includes an additional \$90,000,000 for additional bedspace capacity, including corresponding support positions; \$42,000,000 for additional criminal investigator positions;

\$35,000,000 to annualize new positions and programs funded in Public Law 109–13; \$9,000,000 for Immigration Enforcement Agents to support civil and administrative investigations; \$16,000,000 for additional fugitive operations teams; \$18,000,000 to expand the Institutional Removal Program; \$10,000,000 to expand Alternatives to Detention, including the Intensive Supervision Appearance Program; \$1,000,000 to increase the speed, accuracy and efficiency of immigration enforcement information currently being entered into the National Criminal Information Center database; \$5,000,000 for the Cyber Crimes Center; \$15,770,000 for enforcement of laws against forced child labor, as offset by a reduction in Customs and Border Protection, Salaries and Expenses; \$5,000,000 for implementation of section 287(g) of the Immigration and Nationality Act; \$10,000,000 for the worksite enforcement program; and \$2,000,000 for transfer to the U.S. Department of Justice for the Legal Orientation Program. The conferees make \$5,000,000 unavailable for obligation until the Committees on Appropriations receive a national detention management plan as described in the House report. The following table specifies funding by budget activity:

| | | |
|---|--|---------------|
| Headquarters Management and Administration: | | |
| Personnel Compensation and Benefits, Services and other | | \$123,600,000 |
| Headquarters Managed IT investment | | 133,104,000 |
| Subtotal, Headquarters Management and Administration .. | | 256,704,000 |
| Legal Proceedings | | 130,181,000 |
| Investigations: | | |
| Domestic Operations | | 1,195,050,000 |
| International Operations | | 101,918,000 |
| Subtotal, Investigations | | 1,296,968,000 |
| Intelligence | | 50,970,000 |
| Detention and Removal: | | |
| Detention and Removal Operations | | 1,013,329,000 |
| Transportation and Removal | | 135,000,000 |
| Fugitive Operations | | 102,881,000 |
| Institutional Removal Program | | 93,969,000 |
| Alternatives to Detention | | 28,497,000 |
| Subtotal, Detention and Removal | | 1,373,676,000 |
| Total, Salaries and Expenses | | 3,108,499,000 |

IMMIGRATION ENFORCEMENT AGENTS

The conferees agree with the House report noting that a vast majority of immigration law violations are under enforced, and that it would be beneficial to significantly enhance the enforcement of civil immigration violations. The conferees therefore include \$9,000,000 for 100 Immigration Enforcement Agents (IEAs), who will work under the supervision of ICE special agents and concentrate their efforts on civil and administrative actions, permitting ICE special agents to concentrate their efforts on criminal investigations and longer term cases. The conferees direct the Department to submit a plan for the expanded use of IEAs for these purposes not later than December 1, 2005, and a status report not later than November 1, 2006, on the operation and impact of the increase in IEA positions.

EXPEDITED REMOVAL AND DETENTION SPACE

The conferees are aware ICE expects a bedspace funding shortfall owing to lower Breached Bond funds and increased bedspace costs. The conferees provide \$35,000,000 to cover fiscal year 2006 costs associated with ICE initiatives funded in Public Law 109–13, and therefore expect the Department will not divert \$32,000,000 provided in that Act for bedspace to annualize personnel costs. The conferees direct the Department to submit quarterly reports on the fee estimates.

The conferees understand the Department has determined expanding the expedited removal program will require a greater proportion of funding for removal and related costs, and therefore relatively less for bedspace. The conferees direct the Department to report within 30 days from enactment of this Act on the total number of beds to be funded in fiscal year 2006, by funding source, and the fiscal year 2006 spend plan for expedited removal. Further, the Department is directed to include bedspace utilization and funding obligations in its regular immigration enforcement reporting to the Committees on Appropriations.

TEXTILE TRANSSHIPMENT ENFORCEMENT

Section 352 of the Trade Act of 2002 authorizes funding for Customs Service textile transshipment enforcement, and specifies how the funds be spent. The conferees include \$4,750,000 to continue this effort and direct ICE to report not later than February 10, 2006, on obligating these funds, as well as those appropriated in fiscal years 2004 and 2005. The report should include staffing levels in fiscal years 2003–2006, differentiated by position, as authorized in section 352 of the Trade Act of 2002, and include a five-year enforcement plan.

IMMIGRATION ENFORCEMENT AND DETENTION STATISTICS

The conferees concur with the immigration enforcement and detention reporting requirements identified in the House and Senate reports, and direct ICE to submit them on a quarterly basis beginning February 10, 2006.

STATE AND LOCAL SUPPORT FOR IMMIGRATION ENFORCEMENT

The conferees support the “287(g) program” to cross-designate State and local law enforcement officers to perform limited immigration enforcement functions, and provide \$5,000,000 in support of this program, including training participants, as authorized. The conferees encourage the Department to be more proactive in encouraging State and local governments to participate in this program. The conferees fully support the 287(g) program and view it as a powerful force multiplier to better enforce immigration laws and, consequently, to better secure the homeland.

LEGAL ORIENTATION PROGRAM

The conferees include \$2,000,000 for the Legal Orientation Program, to be transferred to the U.S. Department of Justice, Executive Office for Immigration Review (EOIR). The Office of Manage-

ment and Budget is directed to include future funding for this program in funding requests for EOIR.

FEDERAL PROTECTIVE SERVICE

The conferees agree to provide \$487,000,000 as proposed by both the House and the Senate.

AUTOMATION MODERNIZATION

The conferees agree to provide \$40,150,000 as proposed by the House instead of \$50,150,000 as proposed by the Senate. These funds may not be obligated until the Committees on Appropriations receive and approve an expenditure plan, which includes a requirement for an independent verification and validation.

CONSTRUCTION

The conferees provide \$26,546,000 as proposed by both the House and Senate.

TRANSPORTATION SECURITY ADMINISTRATION

AVIATION SECURITY

The conferees agree to provide \$4,607,386,000 instead of \$4,591,612,000 as proposed by the House and \$4,452,318,000 as proposed by the Senate. In addition to the amounts appropriated, a mandatory appropriation of \$250,000,000 is available to support the Aviation Security Capital Fund. Bill language is also included to reflect the collection of \$1,990,000,000 from aviation user fees, as authorized. The following table specifies funding by budget activity:

| | |
|--|---------------|
| Screening Workforce: | |
| Privatized screening | \$139,654,000 |
| Passenger screeners—personnel, compensation and benefits | 1,520,000,000 |
| Baggage screeners—personnel, compensation, and benefits ... | 884,000,000 |
| Subtotal, Screener Workforce | 2,543,654,000 |
| Screener Training and Other: | |
| Screener training | 88,004,000 |
| Passenger screener—other | 23,752,000 |
| Checked baggage screener—other | 118,591,000 |
| Tort claims | 4,000,000 |
| Representation funds | 3,000 |
| Model workplace | 2,400,000 |
| Hazardous materials disposal | 9,800,000 |
| Subtotal, Screener Training and Other | 246,550,000 |
| Human Resource Services | 207,234,000 |
| Checkpoint Support | 165,000,000 |
| Explosive Detection Systems: | |
| EDS/ETD purchase | 175,000,000 |
| EDS/ETD installation | 45,000,000 |
| EDS/ETD maintenance and utilities | 200,000,000 |
| Operation integration | 23,000,000 |
| Subtotal, Explosive Detection Systems | 443,000,000 |
| Total, Screening Operations | 3,605,438,000 |
| Aviation Direction and Enforcement: | |
| Aviation regulation and other enforcement | 222,416,000 |
| Airport management, information technology and support | 686,032,000 |

| | |
|--|---------------|
| Federal flight deck officer and flight crew training | 30,500,000 |
| Air cargo | 55,000,000 |
| Foreign and domestic repair stations | 3,000,000 |
| Airport perimeter security | 5,000,000 |
| Subtotal, Aviation Direction and Enforcement | 1,001,948,000 |
| Total, Aviation Security | 4,607,386,000 |

STAFFING LEVELS

The conferees agree to continue longstanding bill language that caps the full-time equivalent screener workforce at 45,000 as proposed by the House. The conferees expect the Transportation Security Administration (TSA) to have no more than 45,000 full-time equivalent screeners by the end of fiscal year 2006. The conferees recognize TSA may need to realign its workforce throughout the year due to attrition or advances in detection technologies. TSA has the flexibility to hire screeners during the fiscal year at those airports where additional or replacement screeners are necessary to maintain aviation security and customer service.

PRIVATIZED SCREENING AIRPORTS

The conferees agree to provide \$139,654,000 as proposed by the House instead of \$146,151,000 as proposed by the Senate. If additional airports are not interested in privatization, or airports currently under this program decide to begin using federal screeners resulting in the need for less funding in fiscal year 2006 to support the current privatized screening airports, TSA is directed to notify the Committees on Appropriations ten days prior to these changes occurring. After that time period has expired, TSA shall adjust its program, project, and activity line items to account for changes in third party private screening contracts and screener personnel, compensation and benefits to reflect the award of contracts under the screening partnership program (SPP).

PASSENGER AND BAGGAGE SCREENERS, PERSONNEL, COMPENSATION AND BENEFITS

The conferees agree to provide \$1,520,000,000 for passenger screening and \$884,000,000 for baggage screening activities for both federal screeners as well as any contracts awarded under SPP for all airports other than the six current privatized screening airports. The conferees agree TSA needs the flexibility to manage the SPP without the need for reprogramming actions for each individual contract and direct TSA to provide the Committees on Appropriations with advance notice ten days before an announcement is made an airport has been selected under SPP or if an airport has decided to begin using federal screeners. At the time the contract is awarded, TSA shall notify the Committees and adjust its program, project, and activity line items to account for changes in third party private screening contracts and screener personnel, compensation and benefits to reflect the award of contracts under SPP.

RONALD REAGAN WASHINGTON NATIONAL AIRPORT

The conferees agree to include bill language that provides reimbursement for security services and related equipment and supplies in support of general aviation access to Ronald Reagan Washington National Airport as proposed by the Senate. These reimbursements shall be credited to the "Aviation Security" appropriation and be available until expended for only those purposes.

PASSENGER PROCESSING TIMES

Several airports are experiencing unusually large peak volumes associated with international, charter, and scheduled service. Many domestic travelers arriving at the same airport concourse as international flyers are often held up from proceeding to their final destinations because of slow processing times for these international visitors. The conferees direct TSA, in cooperation with Customs and Border Protection, to examine these unique situations, find appropriate solutions, and report back to the Committees on Appropriations no later than February 10, 2006.

CHECKPOINT SUPPORT

The conferees agree to provide \$165,000,000 instead of \$157,461,000 as proposed by the House and \$172,461,000 as proposed by the Senate. This funding should be used to accelerate the testing, procurement, installation, and deployment of new checkpoint technologies. TSA should test these new technologies and equipment at airports using both federal and non-federal screeners. TSA shall submit the report originally requested in fiscal year 2005 on testing and deploying emerging technologies to screen passengers and carry-on baggage to the Committees on Appropriations as expeditiously as possible.

STANDARDS FOR CHECKPOINT TECHNOLOGIES

The conferees recommend TSA work with the National Institute of Standards and Technology to develop standards for checkpoint technologies, as discussed in the Senate report.

EXPLOSIVE DETECTION SYSTEMS INSTALLATION

The conferees agree to provide a total of \$295,000,000 for explosive detection systems (EDS) installation, including \$250,000,000 in mandatory funding from the Aviation Security Capital Fund and \$45,000,000 in this Act. This funding is sufficient to fulfill the federal commitment for the eight Letters of Intent and to install next-generation EDS machines at airports nationwide. The conferees have modified bill language proposed by the Senate clarifying the federal government's cost under a Letter of Intent shall be 75 percent for any medium and large hub airport and 90 percent for any other airports. The conferees also include bill language to permit the Secretary to distribute this funding to enhance aviation security and fulfill the federal commitment to Letters of Intent. The conferees encourage TSA to pursue innovative financing solutions to improve the baggage screening process, as discussed in the House report.

EXPLOSIVE DETECTION SYSTEMS PROCUREMENT

The conferees agree to provide \$175,000,000 instead of \$170,000,000 as proposed by the House and \$180,000,000 as proposed by the Senate. Of these funds, \$45,000,000 shall be made available to procure next-generation explosive detection systems, including in-line systems, which have been tested, certified, and piloted. The conferees expect these new systems to replace explosive trace detection systems as much as possible as they are considerably less costly to operate.

EXPLOSIVE DETECTION SYSTEMS MAINTENANCE COSTS

The conferees are concerned about the skyrocketing costs of maintaining explosive detection systems and direct the Government Accountability Office to report by April 2006 on the reasons for past cost increases, including TSA contracting practices. This report is to recommend actions TSA might take to control these costs in the future.

REMOTE BAGGAGE SCREENING

The conferees are aware of TSA's participation with airports and airlines in pilots at various airports around the country to evaluate off-site baggage check-in models. The conferees encourage TSA to widely test remote baggage screening, including coupling off-site check in with off-site screening within the airport grounds at secure sort facilities before the baggage is introduced into the terminal and other critical airport infrastructure.

MULTI-COMPARTMENTAL BINS

The conferees direct TSA to develop a plan to research, test, and potentially implement multi-compartmental bins to screen passenger belongings at security checkpoints.

SCREENING EXEMPTIONS

The conferees agree to retain bill language proposed by the Senate that does not allow heads of federal agencies and commissions to be exempt from passenger and baggage screening.

AVIATION REGULATION AND ENFORCEMENT

The conferees agree to provide \$222,416,000 as proposed by the House instead of \$230,000,000 as proposed by the Senate.

AVIATION MANAGEMENT, INFORMATION TECHNOLOGY AND SUPPORT

The conferees agree to provide \$686,032,000 instead of \$655,597,000 as proposed by the House and \$748,370,000 as proposed by the Senate. Within the funds provided, \$243,662,000 is for management and support staff and \$442,370,000 is for information technology.

FEDERAL FLIGHT DECK OFFICER AND FLIGHT CREW TRAINING

The conferees agree to provide \$30,500,000 instead of \$29,000,000 as proposed by the House and \$32,000,000 as proposed by the Senate. Within the funds provided, \$27,000,000 is for fed-

eral flight deck officer training and \$3,500,000 is for voluntary flight crew training.

AIR CARGO

The conferees agree to provide \$55,000,000 instead of \$60,000,000 as proposed by the House and \$50,000,000 as proposed by the Senate. Within the funds provided, \$10,000,000 is for hiring 100 additional regulatory inspectors and associated travel costs, and \$5,000,000 is to enhance the automated indirect air carrier maintenance system and known shipper data base, as well as for security threat assessments and pending air cargo rulemaking activities.

In addition to the funds provided to TSA for air cargo, the conferees provide \$30,000,000 to the Science and Technology (S&T) Directorate to conduct three cargo screening pilot programs testing different concepts of operation. TSA is to cooperate with S&T on this effort.

The conferees direct TSA to work with other DHS components to develop technologies that will move TSA forward to achieving 100-percent screening of air cargo on passenger aircraft.

GENERAL AVIATION

The conferees concur with the House report supporting the Airport Watch program.

AIRPORT PERIMETER SECURITY

The conferees agree to provide \$5,000,000 for airport perimeter security pilots. While funding has been provided for this work in the past, the conferees are aware of a variety of innovative technologies that may reduce security weaknesses and vulnerabilities in airports throughout the United States. This funding should be awarded competitively.

SURFACE TRANSPORTATION SECURITY

The conferees agree to provide \$36,000,000 as proposed by the House and the Senate. Funding is provided as follows:

| | |
|---|--------------|
| Enterprise staff | \$24,000,000 |
| Hazardous materials truck tracking and training | 4,000,000 |
| Rail inspectors and canines | 8,000,000 |
| Total | 36,000,000 |

RAIL SECURITY INSPECTORS AND CANINES

The conferees are very disappointed with TSA's reluctance to quickly hire rail inspectors and deploy canine units at transit systems nationwide. Although these activities were funded in fiscal year 2005, TSA does not have a full contingent of rail inspectors on board and only announced the deployment of canine teams on September 27, 2005. This is unacceptable. The conferees direct TSA to report to the Committees on Appropriations no later than February 10, 2006, on the deployment of the 100 rail security inspectors and canine teams funded in fiscal year 2005 and any new inspectors or canine teams planned for fiscal year 2006.

TRANSPORTATION VETTING AND CREDENTIALING

The conferees agree to provide a direct appropriation of \$74,996,000 as proposed by the Senate instead of \$84,294,000 as proposed by the House. In addition, the conferees anticipate TSA will collect \$180,000,000 in fees. Funding is provided as follows:

| | |
|---|--------------|
| Direct Appropriations: | |
| Secure flight | \$56,696,000 |
| Crew vetting | 13,300,000 |
| Screening administration and operations | 5,000,000 |
| Total, direct appropriations | 74,996,000 |
| Fee Collections: | |
| Registered traveler | 20,000,000 |
| Transportation worker identification credential | 100,000,000 |
| Hazardous materials | 50,000,000 |
| Alien flight school (by transfer from DOJ) | 10,000,000 |
| Total, fee collections | 180,000,000 |

SECURE FLIGHT

The conferees agree to provide \$56,696,000 as proposed by the Senate instead of \$65,994,000 as proposed by the House. TSA has failed to provide a fully justified cost estimate for this program for fiscal year 2006 or achieve initial operational capability with two airlines on August 19, 2005, as originally planned. At this time, TSA does not have a revised schedule and milestones. The conferees have reduced funding for Secure Flight accordingly.

The conferees support the additional layer of aviation security that will be provided through the Secure Flight program. However, delays in obtaining Passenger Name Record data from air carriers needed for testing have postponed initial operating capability of the system. The conferees encourage TSA to commence rulemaking proceedings, and, if necessary, issue a security directive at the earliest possible date to require air carriers to release data necessary for operational tests expected to commence shortly.

The conferees agree to include and modify a general provision (section 518) which directs the Government Accountability Office (GAO) to continue to evaluate DHS and TSA actions to meet the ten elements listed in section 522 of Public Law 108-334 and to report to the Committees on Appropriations either incrementally or when all elements have been satisfied. The provision also prohibits the use of commercial data.

On July 22, 2005, GAO reported TSA did not adequately disclose the use of personal information during Secure Flight testing, violating the Privacy Notice. The conferees are concerned with the recent GAO findings, giving further credence for GAO to continue reviewing the Secure Flight program.

TRANSPORTATION WORKER IDENTIFICATION CREDENTIAL

The conferees agree to include a general provision (section 526) directing the Department to develop a personalization system that is centralized and that uses an existing government card production facility for these purposes as proposed by the House, consistent with direction issued in previous years. TSA may not move into the next phase of production until the Committees on Appropriations

have been fully briefed on the results of the prototype phase and agree the program should move forward. Because of the deep interest in this program, beginning on January 1, 2006, and quarterly thereafter, TSA shall submit reports on the progress of meeting the goals established for the Transportation Worker Identification Credential (TWIC) program.

SCREENING ADMINISTRATION AND OPERATIONS

The conferees agree to provide \$5,000,000 for screening administration and operations as proposed by both the House and the Senate. The conferees direct that none of the funds may be used to augment the Secure Flight program and expect funds to be used to support other transportation vetting and credentialing programs that are user fee funded, such as TWIC, alien flight school, and hazardous materials. The conferees are aware these fee-funded programs have carryover balances from previous fiscal years that may be used to augment administrative and operational needs.

TRANSPORTATION SECURITY SUPPORT

The conferees agree to provide \$510,483,000 instead of \$541,008,000 as proposed by the House and \$491,873,000 as proposed by the Senate. Funding is provided as follows:

| | |
|--|--------------|
| Intelligence | \$21,000,000 |
| Headquarters Administration | 279,391,000 |
| Information Technology | 210,092,000 |
| Total, Transportation Security Support | 510,483,000 |

SPENDING AND DEPLOYMENT PLANS

The conferees agree to include bill language to require TSA to submit 60 days from the date of enactment of this Act a plan to the Committees on Appropriations detailing: the optimal deployment plan for explosive detection equipment at the Nation's airports on a priority basis, either in-line or to replace explosive trace detection machines; and an expenditure plan for explosive detection systems procurement and installation on an airport-by-airport basis for fiscal year 2006. The conferees have requested this information for the past two years in report language and TSA has repeatedly ignored these requests. The conferees include bill language withholding \$5,000,000 from obligation until this plan is received.

FEDERAL AIR MARSHALS

The Secretary's organizational restructuring plan submitted on July 13, 2005, recommended moving the appropriation for the Federal Air Marshals (FAMs) from Immigration and Customs Enforcement to TSA. The conferees concur with this recommendation and agree to provide \$686,200,000 for FAMs instead of \$698,860,000 as proposed by the House and \$678,994,000 as proposed by the Senate. Within this total, \$613,400,000 is for management and administrative expenses, \$70,800,000 is for travel and training, and \$2,000,000 is to implement the air-to-ground communications system. Funding is available for one year as proposed by the Senate.

STAFFING

The conferees have fully funded the new staff requested; however, funding has been provided for half a year, consistent with actions taken elsewhere in the Department because of the time it takes to hire new employees. A classified report on the status of hiring and training new Federal Air Marshals shall be submitted to the Committees on Appropriations no later than February 10, 2006.

AIRPORT LAW ENFORCEMENT

The conferees direct FAMs to submit a report, in conjunction with the fiscal year 2007 budget, that details a proposal to expand its mission beyond the aircraft and enter the airport security arena, including surveillance in the airport environment and airport-related investigations. The report should elaborate on these expanded responsibilities and the potential impact to FAMs mission, to include: the types of investigations that would be conducted in airports; the potential tangible benefits of FAMs conducting surveillance in an airport; whether this expansion would merit and require the conversion of air marshals to 1811 status; a timeframe for implementation; statistical distribution of workload hours between airport and aircraft missions; additional FTE required; additional costs associated with an enhanced airport mission; additional training requirements; and how an expanded FAMs mission would interrelate with the numerous law enforcement agencies that are currently conducting airport security operations. FAMs shall not move forward with this proposal until the report has been submitted and reviewed by the Committees on Appropriations.

AIR-TO-GROUND COMMUNICATIONS

The conferees agree to provide \$2,000,000 for the air-to-ground communications program. The conferees are aware of FAMs working with Science and Technology (S&T), the Federal Communications Commission, and the Federal Aviation Administration to implement an airborne communications system in 2006. The conferees consider this a critical security program and direct FAMs, in conjunction with S&T, to brief the Committees on Appropriations quarterly on its progress.

UNITED STATES COAST GUARD

OPERATING EXPENSES

(INCLUDING RESCISSION OF FUNDS)

The conferees agree to provide \$5,492,331,000 instead of \$5,500,000,000 as proposed by the House and \$5,476,046,000 as proposed by the Senate. Within this amount, \$1,200,000,000 is available for defense-related activities as proposed by both the House and the Senate. Further, within this total, \$15,450,000 is provided for command, control, communications, computer intelligence, surveillance and reconnaissance (C4ISR) follow-on costs; \$10,000,000 is provided as an increase for the Area Security Maritime Exercise Program; \$12,000,000 is provided as an increase to

implement the May 13, 2005, decision by the Commandant to restructure the Mariner Licensing and Documentation Program; and an additional \$4,000,000 above the amounts enacted in fiscal year 2005 is included for C-130J operations. No funding is provided for radiological/nuclear detection and one-time reinvestment costs due to inadequate budget justifications for these activities. The conferees agree to rescind \$15,103,569 in unobligated balances from funds provided for port security assessments at tier one ports due to successful completion of this program. Funding for operating expenses shall be allocated as follows:

| | |
|--|-----------------|
| Military Pay and Related Costs: | |
| Military pay and allowances | \$2,315,270,000 |
| Military health care | 580,647,000 |
| Permanent change of station | 108,901,000 |
| Subtotal, Military Pay and Related Costs | 3,004,818,000 |
| Civilian Pay and Benefits | 531,497,000 |
| Training and Recruiting: | |
| Training and Education | 83,554,000 |
| Recruiting | 93,576,000 |
| Subtotal, Training and Recruiting | 177,130,000 |
| Operating Funds and Unit Level Maintenance: | |
| Atlantic Command | 169,188,000 |
| Pacific Command | 177,894,000 |
| 1st District | 47,166,000 |
| 7th District | 58,076,000 |
| 8th District | 39,134,000 |
| 9th District | 28,431,000 |
| 13th District | 20,238,000 |
| 14th District | 14,575,000 |
| 17th District | 23,951,000 |
| Headquarters directorates | 257,550,000 |
| Headquarters managed units | 120,000,000 |
| Other activities | 767,000 |
| Subtotal, Operating Funds and Unit Level Maintenance | 956,970,000 |
| Centrally Managed accounts | 185,000,000 |
| Intermediate and Depot Level Maintenance: | |
| Aeronautical maintenance | 230,636,000 |
| Electronic maintenance | 101,408,000 |
| Civil/ocean engineering/short facilities maintenance | 160,024,000 |
| Vessel maintenance | 144,848,000 |
| Subtotal, Intermediate and Depot Level Maintenance | 636,916,000 |
| Total, Operating Expenses | 5,492,331,000 |
| Rescission, Port Security Assessments (P.L. 108-11) | - 15,103,569 |
| Total, Operating Expenses | 5,477,227,431 |

RESPONSIVENESS TO CONGRESS

The conferees are disappointed and frustrated with the Coast Guard's poor responsiveness to Committee direction. For this reason, the conferees note reductions to the budget request for operating expenses are directed at the Coast Guard's senior management and not its field units. The conferees recognize the sacrifices of Coast Guard field personnel and have provided the full amount requested in the fiscal year 2006 budget request to support operational units.

POLAR ICEBREAKING

Both the House and Senate approved the transfer of \$47,500,000 in polar icebreaking funding from the Coast Guard to the National Science Foundation (NSF) as requested in the budget. The conferees encourage the Coast Guard, NSF, and the Executive Office of the President to finalize a long-term strategy for polar icebreaking. The conferees direct the Coast Guard to pursue a sustainable cost sharing agreement with the NSF for unanticipated and extraordinary maintenance of the polar icebreakers.

OCCUPATIONAL SAFETY AND HEALTH RISKS

The conferees understand the Coast Guard is currently evaluating technologies to determine how to minimize occupational safety and health risks to Coast Guard personnel. Due to concerns about increasing burdens on Coast Guard personnel, the conferees direct the Coast Guard to report on the status of such evaluations to the Committees on Appropriations no later than 60 days from the date of enactment of this Act.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

The conferees agree to provide \$12,000,000 as proposed by both the House and the Senate.

RESERVE TRAINING

The conferees agree to provide \$119,000,000 as proposed by both the House and the Senate.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

The conferees agree to provide \$1,141,800,000 instead of \$798,152,000 as proposed by the House and \$1,141,802,000 as proposed by the Senate. Funding is provided as follows:

| | |
|---|--------------|
| Vessels and Critical Infrastructure: | |
| Response boat medium | \$18,500,000 |
| Vessels and Critical Infrastructure | 18,500,000 |
| Aircraft: | |
| Covert Surveillance Aircraft | 10,000,000 |
| Armed helicopter equipment | 10,000,000 |
| C-130J Missionization | — |
| Subtotal, Aircraft | 20,000,000 |
| Integrated Deepwater System: | |
| Aircraft: | |
| Maritime patrol aircraft | 68,000,000 |
| Unmanned Aerial Vehicles (UAVs) | 40,000,000 |
| HH-60 sustainment projects | 37,000,000 |
| HC-130 sustainment projects | 11,000,000 |
| HH-65 re-engining | 133,100,000 |
| Subtotal, Aircraft | 289,100,000 |
| Surface Ships: | |
| National security cutter, construction | 368,000,000 |
| Offshore patrol cutter, development | 108,000,000 |
| Fast Response Cutter, long-lead items and development | 7,500,000 |
| Short Range Prosecutor program and IDS small boats | 700,000 |
| Medium Endurance Cutter program and legacy surface ship sustainment | 25,000,000 |
| Subtotal, Surface Ships | 509,200,000 |

| | |
|---|---------------|
| C4ISR | 44,000,000 |
| Logistics | 18,800,000 |
| System engineering and management | 37,000,000 |
| Government program management | 35,000,000 |
| Subtotal, Integrated Deepwater System | 933,100,000 |
| Other Equipment: | |
| Rescue 21 | 41,000,000 |
| Automatic Identification System | 24,000,000 |
| High frequency recap | — |
| Subtotal, Other Equipment | 65,000,000 |
| Shore Facilities and Aids to Navigation: | |
| Renovate USCGA Chase Hall barracks | 15,000,000 |
| Replace multi-mission building-Group LIS | 10,000,000 |
| Construct breakwater-Station Neah Bay | 2,800,000 |
| Waterway aids to navigation infrastructure | 3,900,000 |
| Subtotal, Shore Facilities and Aids to Navigation | 31,700,000 |
| Personnel and Related Support: | |
| Direct personnel costs | 73,000,000 |
| AC&I core | 500,000 |
| Subtotal, Personnel and Related Support | 73,500,000 |
| Total | 1,141,800,000 |

DEEPWATER

The conferees agree to provide \$933,100,000 for the Integrated Deepwater System instead of \$500,000,000 as proposed by the House and \$988,600,000 as proposed by the Senate. The conferees are troubled by the progress of the Deepwater program. In response to the post-9/11 rebaselining requirements set forth within Public Law 108–334, the Coast Guard responded by missing deadlines, submitting inadequate information, and taking what was a straightforward acquisition program and turning it into a confusing plan that did not sufficiently explain how the Coast Guard intends to manage what is now a \$24,000,000,000, 25-year effort. The conferees are supportive of Deepwater and want to see tangible progress in the modernization of the Coast Guard's fleet. However, the conferees are frustrated with the Coast Guard's inadequate justification and poor planning for Deepwater resources.

The conferees include a new provision directing the Coast Guard to submit a review of the Revised Deepwater Implementation Plan in conjunction with the President's fiscal year 2007 budget request. This report shall include: a detailed explanation of any changes to the plan for fiscal year 2007; a detailed, annual performance comparison of Deepwater assets to pre-Deepwater legacy assets in terms of operations and maintenance costs, operational availability (including mean time between failure and mean time to restore), mission performance, and crewing; a status report of legacy assets, including modernization progress, operational availability, and the projected, remaining service life of each class of legacy Deepwater asset; a comprehensive explanation of how the Coast Guard is accounting for the costs of legacy assets in the Deepwater program; an explanation of why many assets that are elements of the Integrated Deepwater System are not accounted for within Deepwater's appropriation (such as the missionization of the C–130Js, the 179-foot Cyclone class cutters, and the airborne use

of force outfitting of the HH60s and HH65s); a description of the competitive process conducted in all contracts and subcontracts exceeding \$5,000,000; a description of how the Coast Guard is planning for the human resource needs of Deepwater assets including rotational crewing for each asset utilizing such crewing and qualification training for commanding officers and petty officers in charge of Deepwater patrol boats; and the earned value management system gold card data, including data for all the factors in this system, for each asset being procured under Deepwater, including C4ISR and C-130J missionization.

The conferees acknowledge the Coast Guard's assertion that the accuracy of a Revised Deepwater Implementation Plan beyond five years is based upon numerous, unpredictable variables such as national security priorities and resource constraints. Therefore, the conferees believe the acquisition schedule for the duration of the plan will likely undergo significant modifications in five-year increments. The Coast Guard has also pointed to five-year increments, beginning in 2011, as benchmarks for measuring the performance of Deepwater assets as an entire system of systems, vice a fleet of non-integrated assets. For these reasons, the conferees have included a new provision directing the Coast Guard to submit a comprehensive review of the Revised Deepwater Implementation Plan every five years beginning in fiscal year 2011. This plan shall include a complete projection of the acquisition costs and schedule for the duration of the plan through fiscal year 2027.

As Deepwater progresses, the conferees recognize there must be a methodical transition between the acquisition phase of the program and the integration of new assets into Coast Guard operations. The conferees believe diligent management of this transition is central to ensuring the effectiveness of the Deepwater program as well as the operational readiness of the Coast Guard. To address this concern, the conferees direct the Coast Guard to conduct an operational gap analysis for all Deepwater assets and provide an action plan on how the revised Deepwater plan addresses the shortfalls between current operational capabilities and operational requirements, as specified in the revised, post-9/11 Mission Needs Statement approved on January 24, 2005. This report should apply advanced analytical methods for forecasting future needs, as required in the Senate report, and should be submitted concurrently with the Coast Guard's fiscal year 2007 budget request.

PATROL BOATS

The conferees are very concerned about the availability and performance of the Coast Guard's patrol boat fleet. The 110-foot Island Class patrol boats are currently experiencing major maintenance problems as well as technological obsolescence and the planned patrol boat replacement under Deepwater—the Fast Response Cutter (FRC)—is several years away from sea trials and production. The Coast Guard's patrol boat needs are further stressed given the termination of the 110-to-123 conversion program that was intended to bridge the gap between the phase-out of the 110 and the deployment of the FRC. To address this critical issue and looming shortfall in patrol boat mission hours, the conferees agree to include a provision (section 527) rescinding unobli-

gated funds in the amount of \$78,630,689 appropriated for 110-to-123 conversions in fiscal years 2003, 2004, and 2005 and re-appropriating the funds for the service life extension of Island Class patrol boats and the design, production, and long lead materials of the FRC. The conferees direct the Coast Guard to provide a patrol boat availability report to the Committees on Appropriations no later than February 10, 2006, which includes: an expenditure plan for the 110 service life extension program; a detailed explanation of the FRC's accelerated design and production that includes the application of the funds provided by this Act; and a mission hour and operational availability report for each 110 foot and 123 foot patrol boat in service.

COVERT MANNED SURVEILLANCE AIRCRAFT

The conferees do not include a rescission of \$13,999,000 in prior appropriations for the purchase of covert manned surveillance aircraft as proposed by the Senate. The conferees direct the Coast Guard to move forward with this procurement and agree to provide \$10,000,000 for sensor procurement and installation as proposed by the House.

RESCUE 21

Due to high unobligated balances and extensive program delays, the conferees agree to provide \$41,000,000 for Rescue 21 instead of \$91,000,000 as proposed by the House and \$81,000,000 as proposed by the Senate.

ALTERATION OF BRIDGES

The conferees agree to provide \$15,000,000 as proposed by both the House and Senate. Within this total, funds shall be allocated as follows:

| | |
|---|-------------|
| Chelsea Street Bridge in Chelsea, Massachusetts | \$2,500,000 |
| Canadian Pacific Railroad Bridge in La Crosse, Wisconsin | 2,000,000 |
| Fourteen Mile Bridge, Mobile, Alabama | 6,000,000 |
| Galveston Railway Bridge, Galveston, Texas | 2,500,000 |
| Burlington Northern Santa Fe Bridge in Burlington, Iowa | 1,000,000 |
| Elgin, Joliet, and Eastern Railway Company Bridge, Morris, Illinois | 1,000,000 |
| Total | 15,000,000 |

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

The conferees agree to provide \$17,750,000 instead of \$18,500,000 as proposed by the Senate. The House proposed \$17,000,000 within the Science and Technology Directorate. The conferees expect the Commandant of the Coast Guard to continue to coordinate with the Under Secretary for Science and Technology on research and development activities.

RETIRED PAY

The conferees agree to provide \$1,014,080,000 as proposed by both the House and the Senate.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

The conferees agree to provide \$1,208,310,000 instead of \$1,228,981,000 as proposed by the House and \$1,188,638,000 as proposed by the Senate. This includes: \$2,500,000, to remain available until September 30, 2007, for Secret Service costs related to National Special Security Events; \$39,600,000 to support investigations of electronic crimes; and \$7,889,000 for activities relating to the National Center for Missing and Exploited Children, including \$2,389,000 for forensic support. Funds shall be allocated as follows:

| | |
|---|---------------|
| Protection: | |
| Protection of persons and facilities | \$576,316,000 |
| National Special Security Event Fund | 2,500,000 |
| Protective intelligence activities | 56,215,000 |
| White House mail screening | 16,365,000 |
| Subtotal, Protection | 651,396,000 |
| Field operations: | |
| Domestic field operations | 238,888,000 |
| International field office administration, operations and training | 20,968,000 |
| Electronic crimes special agent program and electronic crimes task forces | 39,600,000 |
| Subtotal, Field operations | 299,456,000 |
| Administration: | |
| Headquarters, management and administration | 203,232,000 |
| National Center for Missing and Exploited Children | 7,889,000 |
| Subtotal, Administration | 211,121,000 |
| Training: | |
| Rowley Training Center | 46,337,000 |
| Total, Salaries and Expenses | 1,208,310,000 |

NATIONAL SPECIAL SECURITY EVENTS

The conferees agree to provide \$2,500,000 for the costs associated with National Special Security Events (NSSEs), instead of \$10,000,000 as proposed by the House and no funds as proposed by the Senate. When combined with an unobligated balance of \$2,329,000 from fiscal year 2005 appropriations, a total of \$4,829,000 is available for NSSEs; funds appropriated in this Act for this purpose are made available through September 30, 2007. The conferees are aware of additional funds available through the Counterterrorism Fund, which may be made available for this purpose. The conferees are disappointed with the Secret Service's lack of budgetary planning for the costs associated with security operations for NSSEs. Despite the considerable growth in size, complexity, and cost of NSSEs since their inception, the Secret Service has not effectively managed the resource impact of these events. The conferees prohibit the obligation of funds provided under this heading until the Committees on Appropriations receive a current NSSE budget model, as described in the House report.

WORKLOAD REBALANCING

The conferees note the unacceptably high workload of personnel that has resulted from the significant increase in the scope

of the Secret Service's dual mission. An average overtime rate of 80 hours per special agent per month has arisen from a constantly evolving, post-9/11 threat environment; a three-fold increase in the number of protectees since 9/11; proliferation of identity theft and electronic crime; the occurrence of increasingly complex NSSEs; and support of Departmental missions such as critical infrastructure protection and cyber security. The conferees believe current workload conditions are unsustainable and direct the Secret Service to submit a workload rebalancing report as described within the House report no later than February 10, 2006.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

The conferees agree to provide \$3,699,000 as proposed by both the House and Senate.

TITLE III—PREPAREDNESS AND RECOVERY

PREPAREDNESS

MANAGEMENT AND ADMINISTRATION

The conferees agree to provide \$16,079,000 for management and administration of the Preparedness Directorate. Included in this amount is \$13,187,000 for the Office of the Under Secretary for Preparedness; \$2,000,000 for the Office of the Chief Medical Officer, as proposed in the Secretary's organizational restructuring plan submitted on July 13, 2005; and \$892,000 for the Office of National Capital Region Coordination, including half year funding for two new staff. The conferees encourage the Office of National Capital Region Coordination to detail these personnel to the Homeland Security Operations Center if appropriate and necessary.

The conferees establish this new account in response to the Secretary's organizational restructuring plan submitted on July 13, 2005, and include resources previously provided under the Office of the Under Secretary for Information Analysis and Infrastructure Protection (IAIP); the Office of the Under Secretary for Border and Transportation Security; the Office of State and Local Government Coordination and Preparedness; and the Office of National Capital Region Coordination previously funded in the Office of the Secretary and Executive Management.

The conferees understand the newly created Preparedness Directorate will assess and prioritize policies and operations to enhance preparedness for a natural disaster or terrorist attack. The conferees direct this Directorate to work with the Director of Federal Emergency Management Agency to continue an all-hazard approach for preparation, response and recovery to any type of disaster.

OFFICE FOR DOMESTIC PREPAREDNESS

SALARIES AND EXPENSES

The conferees agree to provide \$5,000,000 for Office for Domestic Preparedness (ODP) salaries and expenses.

STATE AND LOCAL PROGRAMS

The conferees agree to provide \$2,501,300,000 instead of \$2,831,400,000 as proposed by the House and \$2,714,300,000 as proposed by the Senate. State and Local Programs funding is allocated as follows:

| | |
|--|---------------|
| State Formula Grants: | |
| State Homeland Security Grant Program | \$550,000,000 |
| Law Enforcement Terrorism Prevention | 400,000,000 |
| Subtotal, State Formula Grants | 950,000,000 |
| Discretionary Grants: | |
| High-Threat, High-Density Urban Area | 765,000,000 |
| Rail and Transit Security | 150,000,000 |
| Port Security | 175,000,000 |
| Buffer Zone Protection Plan | 50,000,000 |
| Intercity Bus Security | 10,000,000 |
| Trucking Security | 5,000,000 |
| Subtotal, Discretionary Grants | 1,155,000,000 |
| Commercial Equipment Direct Assistance Program | 50,000,000 |
| National Programs: | |
| National Domestic Preparedness Consortium | 145,000,000 |
| National Exercise Program | 52,000,000 |
| Metropolitan Medical Response System | 30,000,000 |
| Technical Assistance | 20,000,000 |
| Demonstration Training Grants | 30,000,000 |
| Continuing Training Grants | 25,000,000 |
| Citizen Corps | 20,000,000 |
| Evaluations and Assessments | 14,300,000 |
| Rural Domestic Preparedness Consortium | 10,000,000 |
| Subtotal, National Programs | 346,300,000 |
| Total, State and Local Programs | 2,501,300,000 |

For purposes of eligibility for funds under this heading, any county, city, village, town, district, borough, parish, port authority, transit authority, intercity rail provider, commuter rail system, freight rail provider, water district, regional planning commission, council of government, Indian tribe with jurisdiction over Indian country, authorized tribal organization, Alaska Native village, independent authority, special district, or other political subdivision of any state shall constitute a "local unit of government."

The conferees expect ODP to continue all current overtime reimbursement practices. The conferees continue bill language prohibiting the use of funds for construction, except for Port Security, Rail and Transit Security, and the Buffer Zone Protection Plan grants. Bill language is included, however, to allow State Homeland Security Grant Program (SHSGP), Law Enforcement Terrorism Prevention Program (LETPP), and High-Threat, High-Density Urban Area grants to be used for minor perimeter security projects and minor construction or renovation of necessary guard facilities, fencing, and related efforts, not to exceed \$1,000,000 as deemed necessary by the Secretary. The conferees further agree that the erection of communication towers, which are included in a jurisdiction's interoperable communications plan, does not constitute construction for the purposes of this Act.

In addition, the conferees include bill language requiring the Government Accountability Office (GAO) to review the validity of the threat and risk factors, and the application of those factors in the allocation of funds provided to ODP, and to report to the Com-

mittees on Appropriations by November 17, 2005, on the results of this review. The Department is required to provide GAO with the necessary information within seven days of enactment of this Act to ensure that this review does not impact the allocation of grants to state and local entities. Further, the conferees direct GAO to review the validity of the threat and risk factors used to allocate discretionary grants, including a project-by-project analysis of grants to non-profit organizations, in fiscal years 2003, 2004, and 2005, and report to the Committees on Appropriations by May 5, 2006, on the results of this review.

The conferees are concerned with the length of time, some in excess of three years, which certain State and local jurisdictions take to fully expend grant funds. The conferees direct the Department to report, by February 10, 2006, on the status of all open grants made prior to fiscal year 2003, including the specific reasons why the grant dollars have not yet been expended. Further, the report should include recommendations on actions being taken to ensure grant funds are spent in a timely manner and include an update on the execution of recommendations of the Task Force on State and Local Homeland Security Funding Report, dated June 2004.

The conferees agree that for State Formula Grants and High-Threat, High-Density Urban Areas grants, application kits shall be made available within 45 days after the start of fiscal year 2006, states shall have 90 days to apply after the grant is announced, and ODP shall act on an application within 90 days of its receipt. The conferees further agree that no less than 80 percent of these funds shall be passed by the state to local units of government within 60 days of the state receiving funds. Not to exceed three percent of grant funds may be used for administrative expenses.

STATE FORMULA GRANTS

The conferees agree to provide \$550,000,000 for SHSGP instead of \$800,100,000 as proposed by the House. The Senate proposed \$1,538,000,000 for State and Local Assistance, combining SHSGP and High-Threat, High-Density Urban Area Grants into a single account. The conferees also provide \$400,000,000 for LETPP as proposed by both the House and Senate.

DISCRETIONARY GRANTS

The conferees agree to provide \$1,155,000,000 instead of \$1,190,000,000 as proposed by the House. The Senate proposed \$1,538,000,000 for State and Local Assistance, combining SHSGP and High-Threat, High-Density Urban Area Grants into a single appropriation, and provided \$365,000,000 for Transportation and Infrastructure Grants in a separate appropriation. Of the funds provided, \$765,000,000 is made available to the Secretary for discretionary grants to high-threat, high-density urban areas, including \$25,000,000 for grants to non-profit organizations determined by the Secretary to be at high risk of international terrorist attacks as proposed by the Senate. The Secretary may not delegate this determination authority and must certify the threat to each grantee three days prior to the announcement of a grant award. The conferees believe the Secretary should consider, as it relates to the

grant allocation methodology, tourism destinations that attract tens of millions of visitors annually as potentially high risk targets.

Despite the consolidation of select transportation and infrastructure security grant award functions, Transportation Security Administration (TSA) and Infrastructure Protection and Information Security (IPIS) shall retain operational subject matter expertise of these grants and will be fully engaged in the administration of related grant programs.

PORT SECURITY

The conferees agree to provide \$175,000,000 instead of \$150,000,000 as proposed by the House and \$200,000,000 as proposed by the Senate. The conferees direct ODP to ensure all port security grants are coordinated with the state, local port authority, and the Captain of the Port so all vested parties are aware of grant determinations and that limited resources are maximized. The conferees encourage the Secretary to consider the proximity of existing liquefied natural gas facilities and liquefied petroleum vessels among the risk factors when deciding eligibility for port security grant funding.

RAIL AND TRANSIT SECURITY

The conferees agree to provide \$150,000,000 as proposed by the House instead of \$100,000,000 as proposed by the Senate. ODP shall continue to work with TSA to develop a robust rail and transit security program and with the Science and Technology Directorate (S&T) on the identification of possible research and design requirements for rail and transit security.

The conferees are concerned by a recent ODP risk assessment that highlights the need for redundant transit operation control abilities in the national capital region to maintain federal government continuity of operations. The conferees direct ODP to submit a report no later than February 10, 2006, on the steps that may be taken to ensure this deficiency is addressed.

COMMERCIAL EQUIPMENT DIRECT ASSISTANCE PROGRAM

The conferees agree to provide \$50,000,000 as proposed by both the House and Senate. The conferees concur with both the House and Senate report language on the Commercial Equipment Direct Assistance Program.

The conferees encourage ODP to work with the Department of Defense (DOD) to ensure promising technologies, such as skin decontamination kits currently in use by DOD, are made available on the commercial market for purchase by state and local agencies responsible for homeland security.

NATIONAL DOMESTIC PREPAREDNESS CONSORTIUM

The conferees agree to provide \$145,000,000 as proposed by the Senate instead of \$125,000,000 as proposed by the House. This funding shall be allocated in accordance with the Senate report.

METROPOLITAN MEDICAL RESPONSE SYSTEM

The conferees agree to provide \$30,000,000 instead of \$40,000,000 as proposed by the House and \$10,000,000 as proposed by the Senate.

TECHNICAL ASSISTANCE

The conferees agree to provide \$20,000,000 as proposed by both the House and Senate. The conferees recognize the importance of interoperable communications standards, which are critical to the Department's efforts to improve communications nationally. The conferees direct the Under Secretary for Science and Technology (S&T) to expedite the development of these standards, and coordinate with ODP to ensure ODP's technical assistance program incorporates these standards, as appropriate, and as spelled out in the Memorandum of Agreement between S&T and ODP.

The conferees note there is no existing capability for real-time exchange of information at the regional or interstate levels regarding equipment and supplies inventory, readiness, or the compatibility of equipment. The conferees encourage ODP to review the use of logistic centers to consolidate State and local assets, provide life-cycle management and maintenance of equipment, allow for easy identification and rapid deployment during an incident, and allow for the sharing of inventories across jurisdictions.

DEMONSTRATION TRAINING GRANTS

The conferees agree to provide \$30,000,000 as proposed by the Senate instead of \$35,000,000 as proposed by the House. The conferees are concerned, while terrorism prevention is a national priority, little is being done to create prevention expertise in our nation's first responders. Without well developed terrorism prevention plans, state and local agencies lack a key piece in the fight against terrorism. The conferees encourage ODP to create a terrorism prevention certificate training program that will enable graduates to help their communities or organizations develop the necessary terrorism prevention plans.

CONTINUING TRAINING GRANTS

The conferees agree to provide \$25,000,000 as proposed by the Senate instead of \$30,000,000 as proposed by the House.

CITIZEN CORPS

The conferees agree to provide \$20,000,000 instead of \$40,000,000 as proposed by the House and \$25,000,000 as proposed by the Senate. Mobilizing communities and citizens to assist law enforcement in preventing acts of terrorism is as important as preparing communities and citizens to respond to a terrorist incident. The conferees are aware of the work the Citizen Corps has done in partnership with the National Crime Prevention Council (NCPC) in organizing comprehensive community planning. The conferees encourage ODP to continue to emphasize prevention in all of its programs and to work with the NCPC.

RURAL DOMESTIC PREPAREDNESS CONSORTIUM

The conferees agree to provide \$10,000,000 as proposed by the House. The Senate included no similar provision. The conferees direct ODP to continue the development of specialized and innovative training curricula for rural first responders and ensure the coordination of such efforts with existing ODP training partners.

INTEROPERABLE COMMUNICATIONS

The conferees concur with the Senate report language regarding interoperable communication implementation plans.

HOMELAND SECURITY PRESIDENTIAL DIRECTIVE 8

The conferees concur with the House report language regarding Homeland Security Presidential Directive 8 implementation; however, ODP shall issue the final National Preparedness Goal no later than December 31, 2005, and complete the National Preparedness Assessment and Reporting System no later than September 30, 2006.

EMERGENCY MEDICAL SERVICES

The conferees are very concerned with the lack of first responder grant funding being provided to the Emergency Medical Services (EMS) community. The conferees direct ODP to require state and local governments to include EMS representatives in planning committees as an equal partner and to facilitate a nationwide EMS needs assessment. The conferees do not mandate that a certain percentage of grant funds be allocated to any one type of first responders. However, the conferees direct ODP to evaluate how much money goes to EMS providers and to require an explanation from any state not providing at least ten percent of its grant funding to EMS providers to better train and equip them to provide critical life-saving assistance in the event of a chemical, biological, radiological, or explosive event.

CATASTROPHIC PLANNING

The conferees note the tragic events in the wake of Hurricane Katrina indicate the importance of preparation and having plans in place to deal with catastrophic events. It is imperative all states and Urban Area Security Initiative grantees ensure there are sufficient resources devoted to putting in place plans for the complete evacuation of residents, including special needs groups in hospitals and nursing homes, or residents without access to transportation, in advance of and after such an event, as well as plans for sustenance of evacuees.

The conferees direct the Secretary to report on the status of catastrophic planning, including mass evacuation planning in all 50 states and the 75 largest urban areas by February 10, 2006. The report should include certifications from each state and urban area as to the exact status of plans for evacuations of entire metropolitan areas in the state and the entire state, the dates such plans were last updated, the date exercises were last conducted using the plans, and plans for sustenance of evacuees.

ELIGIBILITY

The conferees urge the Department to work with state and local governments to ensure regional authorities, such as port, transit, or tribal authorities are given due consideration in the distribution of State Formula Grants.

RAPID DECONTAMINATION PREPAREDNESS

The conferees are concerned with the lack of planning and preparation for a rapid decontamination response in the event of a large scale biological or chemical attack. The conferees direct ODP, in consultation with S&T, the Environmental Protection Agency, and other relevant federal agencies, to report, not later than February 10, 2006, on the feasibility and plan for establishing a regionally based, pre-positioned rapid response capability for the decontamination of biological and chemical agents based on technologies that meet the decontamination standards for those agents.

EFFECTIVENESS SURVEY

The conferees direct the Secretary to comply with section 522 of the Senate bill with regard to a survey of state and local government emergency officials.

FIREFIGHTER ASSISTANCE GRANTS

The conferees agree to provide \$655,000,000 instead of \$650,000,000 as proposed by the House and \$665,000,000 as proposed by the Senate. Of this amount, \$110,000,000 shall be for firefighter staffing, as authorized by section 34 of the Federal Fire Prevention and Control Act of 1974, instead of \$75,000,000 as proposed by the House and \$115,000,000 as proposed by the Senate.

The conferees are concerned by the Department's proposed shift in grant focus from all-hazards to placing a priority on terrorism, and the proposed deletion of several eligible activities, specifically, wellness and fitness programs, emergency medical services, fire prevention programs, public education programs, and modifications of facilities for health and safety of personnel. The Department shall continue the current practice of funding applications according to local priorities and those established by the United States Fire Administration (USFA), continue direct funding of grants to fire departments, continue the peer review process for determining funding awards, reinstate all previously eligible funding areas, and include the USFA during grant administration. The conferees further agree to make \$3,000,000 available for implementation of section 205(c) of Public Law 108-169, the United States Fire Administration Reauthorization Act of 2003.

EMERGENCY MANAGEMENT PERFORMANCE GRANTS

The conferees agree to provide \$185,000,000 instead of \$180,000,000 as proposed by the House and \$190,000,000 as proposed by the Senate. The conferees agree Emergency Management Performance Grants (EMPGs) are vital to state and local emergency management systems. The Department shall continue funding personnel expenses without a limit and continue current grant administrative practices, including grant allocation and a focus on

all-hazards, in a manner identical to fiscal year 2005. The conferees agree ODP shall continue to include the Federal Emergency Management Agency (FEMA) subject matter experts in the review of EMPG applications, determinations of eligibility, and making award determinations. Furthermore, the conferees expect FEMA regional emergency managers' relationship with state and local governments to continue and expect ODP to work with all State Administrations to ensure funds reach the emergency management communities as quickly as possible.

RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

The conferees agree to provide for the receipt and expenditure of fees collected, as authorized by Public Law 105-276 and as proposed by both the House and Senate. The conferees move these programs from the Emergency Preparedness and Response Directorate to the Preparedness Directorate, as proposed in the Secretary's organizational restructuring plan dated July 13, 2005.

UNITED STATES FIRE ADMINISTRATION AND TRAINING

The conferees agree to provide \$44,948,000 for the United States Fire Administration and Training. Of this amount, \$4,507,000 is for the Noble Training Center. The conferees move these programs from the Emergency Preparedness and Response Directorate to the Preparedness Directorate, as proposed in the Secretary's organizational restructuring plan dated July 13, 2005. The conferees concur with Senate report language on the preparedness of local fire departments; however, the report shall be provided by March 1, 2007, instead of February 18, 2006.

INFRASTRUCTURE PROTECTION AND INFORMATION SECURITY

The conferees agree to provide \$625,499,000 for infrastructure protection and information security (IPIS) programs. The conferees move IPIS programs from Information Analysis and Infrastructure Protection (IAIP), Management and Administration and Evaluations and Assessments, to the Preparedness Directorate, as proposed in the Secretary's organizational restructuring plan submitted on July 13, 2005. Funding is allocated as follows:

| | |
|---|--------------|
| Management and Administration | \$83,342,000 |
| Critical Infrastructure Outreach and Partnership | 112,177,000 |
| Critical Infrastructure Identification and Evaluation | 68,500,000 |
| National Infrastructure Simulation and Analysis Center | 20,000,000 |
| Biosurveillance | 14,100,000 |
| Protective Actions | 91,399,000 |
| Cyber Security | 93,349,000 |
| National Security/Emergency Preparedness Telecommunications | 142,632,000 |
| Total | 625,499,000 |

MANAGEMENT AND ADMINISTRATION

The conferees agree to provide \$83,342,000 for Management and Administration. The conferees have reduced Management and Administration funding based on a continuing large number of personnel vacancies. The conferees do not believe the IPIS will reach

its fully authorized full-time equivalent levels by the end of fiscal year 2005 and have reduced fiscal year 2006 funding accordingly.

CRITICAL INFRASTRUCTURE OUTREACH AND PARTNERSHIP

The conferees agree to provide \$112,177,000 instead of \$62,177,000 as proposed by the House and \$126,592,000 as proposed by the Senate. Included in this amount is \$50,000,000 for the National Center for Critical Information Processing and Storage (NCCIPS) for data center services for critical infrastructure information, including development, operations, and maintenance of the Center. The conferees direct a report, no later than February 10, 2006, on the progress of further developing NCCIPS.

CRITICAL INFRASTRUCTURE IDENTIFICATION AND EVALUATION

The conferees agree to provide \$68,500,000 instead of \$77,173,000 as proposed by the House and \$59,903,000 as proposed by the Senate. Included in this amount is \$7,500,000 for the Comprehensive Review directed in the House Report 109-79 and \$20,000,000 for the National Asset Database.

CHEMICAL FACILITY SECURITY

The conferees direct the Secretary to complete vulnerability assessments of the highest risk chemical facilities in the United States by December 2006. In determining which facilities to assess, the Secretary should give preference to facilities that, if attacked, pose the greatest threat to human life and the economy. The conferees also direct the Department to complete a national security strategy for the chemical sector by February 10, 2006.

NATIONAL INFRASTRUCTURE SIMULATION AND ANALYSIS CENTER (NISAC)

The conferees agree to provide \$20,000,000 instead of \$16,000,000 as proposed by the House and \$21,000,000 as proposed by the Senate. The conferees agree that Sandia and Los Alamos National Laboratories shall continue to develop the NISAC and be the lead entities in securing the Nation's critical infrastructure.

CYBER SECURITY

The conferees agree to provide \$93,349,000, including \$30,000,000 to continue National cyber security exercises and outreach. The conferees strongly support cyber partnerships among federal, state, local agencies, and the private sector that demonstrate the ability to transfer technologies from federal laboratories and package them into tools, training, and technical assistance to meet and enhance the demands of federal, state, and local end users. Included in the amount provided is the budget request level for United States Computer Emergency Readiness Team operations.

COUNTERTERRORISM FUND

The conferees agree to provide \$2,000,000 instead of \$10,000,000 as proposed by the House and \$3,000,000 as proposed

by the Senate. The conferees expect the Secretary to provide written notification to the Committees on Appropriations upon the designation of a National Special Security Event. The written notification shall include the following information: location and date of the event, federal agencies involved in the protection and planning of the event, the estimated federal costs of the event, and the source of funding to cover the anticipated expenditures.

FEDERAL EMERGENCY MANAGEMENT AGENCY

ADMINISTRATIVE AND REGIONAL OPERATIONS

The conferees agree to provide \$221,240,000 instead of \$227,747,000 as proposed by the House and \$220,747,000 as proposed by the Senate. Within these funds, the conferees agree to provide \$4,306,000 for the office of the Director of the Federal Emergency Management Agency (FEMA) and \$5,000,000 for the Document Management Support Program.

The conferees are concerned with administrative actions being taken to close FEMA's Pacific Area Office (PAO). The PAO provides the primary federal response to disasters throughout the Pacific Islands. Given the PAO's proximity to the other Pacific Islands within Region IX and the specialized knowledge of its staff on the islands' geography and cultures, the conferees direct FEMA to continue to operate the PAO.

PREPAREDNESS, MITIGATION, RESPONSE, AND RECOVERY

The conferees agree to provide \$204,058,000 instead of \$249,499,000 as proposed by the House and \$193,899,000 as proposed by the Senate. No funding is provided for Nuclear Incident Response as proposed by the Senate. Within these funds, the conferees agree to provide \$20,000,000 for catastrophic planning. The conferees do not agree to rescind \$9,600,000 as proposed by the Senate. Within the funds provided for catastrophic planning, the conferees agree FEMA shall reimburse non-governmental organizations with cooperating agency responsibilities under the Department's National Response Plan (NRP) and Catastrophic Incident Annex/Supplement (CIA/S) for planning activities required by the NRP-CIA/S, provided costs do not exceed \$5,000,000. Further, the Secretary is directed to include these costs in future budget submissions. The conferees concur with Senate bill language encouraging acquisition of an integrated mobile medical system.

The conferees are aware FM broadcast radio infrastructure and public television stations are moving forward with several Integrated Public Alert and Warning System programs towards a national alert and warning policy and architecture and encourage FEMA to support these efforts.

URBAN SEARCH AND RESCUE

Of the funds provided for Preparedness, Mitigation, Response, and Recovery, the conferees agree to provide \$20,000,000 for urban search and rescue instead of \$7,000,000 as proposed by the House and \$30,000,000 as proposed by Senate. The conferees direct the Secretary to provide a report by February 10, 2006, on the total

costs in fiscal years 2005, 2006, and proposed for 2007 to operate and train the 28 Urban Search and Rescue teams, the cost to maintain the first equipment cache, the cost to maintain the second equipment cache, the cost to replace expiring drugs, the costs to replace/repair equipment that has been used in training or actual disasters, and all other costs of the program. The report should include state, local and Federal costs and an assessment of the appropriate share for each level of government.

NATIONAL INCIDENT MANAGEMENT SYSTEM

Of the funds provided for Preparedness, Mitigation, Response, and Recovery, the conferees agree to provide \$22,000,000 for the National Incident Management System (NIMS) as proposed by the House. The conferees direct FEMA to use no less than \$10,000,000 to continue to implement NIMS nationwide, with a focus specifically on standards identification, testing and evaluation of equipment, and gap and lessons learned identification.

EMERGENCY STRUCTURES

Of the funds provided for Preparedness, Mitigation, Response, and Recovery, the conferees agree to provide \$4,000,000 for emergency structures as proposed by the House. The Department is strongly encouraged to begin to utilize structures that can be stacked for economical shipping and storage, expanded during assembly to increase useable space, and returned to their original dimensions when disassembled. The structures should also be suitable to address infrastructure needs, such as offices, schools, medical centers, and other public buildings, and sturdy enough to ensure multiple reuse in future deployments. The conferees believe this innovative and higher quality structure should provide substantial cost-savings over time to the federal government through effective multiple reuse, and will enhance current response and recovery activities well beyond the semi-disposable products currently being used. The conferees direct FEMA to commence this new activity immediately and to ensure emergency housing and infrastructure requirements are submitted with their fiscal year 2007 budget request.

MASS EVACUATIONS

The conferees recognize that state and local governments must develop multi-state and multi-jurisdictional plans in the event that a mass evacuation takes place from an urban area to neighboring rural areas. The conferees direct the Department, through the Catastrophic Disaster Planning Program, to develop coordinated guidelines for state and local governments as they develop mass evacuation plans. Plans should include, where appropriate, the pre-positioning of items that will be required during a mass evacuation, such as food, water, medicine and interoperable communications equipment. The Department is encouraged to consider the need for such pre-positioned equipment in allocating first responder funds.

CRISIS COUNSELING

The conferees understand the Crisis Counseling Program, funded to provide mental health services for first responders who responded to the attacks of 9/11 ended September 30, 2005. Further, the conferees understand New York City will provide similar services to those who continue to need services. In order to ensure first responders continue to receive mental health and other services, the conferees direct FEMA to provide a report on the transition of these services from federal to city administration by February 10, 2006.

PUBLIC HEALTH PROGRAMS

The conferees agree to provide \$34,000,000 as proposed by both the House and Senate.

DISASTER RELIEF

The conferees agree to provide \$1,770,000,000 instead of \$2,000,000,000 as proposed by the House and \$1,920,000,000 as proposed by the Senate. The conferees concur with House report language on Disaster Relief Fund overpayments; however, the report shall be provided by June 1, 2006, instead of March 15, 2006.

The conferees agree the Secretary shall provide clear, concise, and uniform guidelines for the reimbursement to any county or government entity affected by a hurricane on the costs of hurricane debris removal.

The conferees agree the Secretary shall submit to the Committees on Appropriations a report describing any changes to federal emergency preparedness and response policies and practices as a result of the Inspector General's report (OIG-05-20) related to Hurricane Frances.

The conferees agree that, not later than 90 days from the date of enactment of this Act, the Secretary shall issue new guidelines to prohibit inspectors from entering into a contract for the sale of any house or household item he or she inspected. The guidelines shall apply to those performing inspections that determine eligibility for assistance from FEMA.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

The conferees agree to provide \$567,000 for administrative expenses as proposed by both the House and Senate. Gross obligations for the principal amount of direct loans shall not exceed \$25,000,000 as proposed by both the House and Senate.

FLOOD MAP MODERNIZATION FUND

The conferees agree to provide \$200,000,000 as proposed by both the House and Senate. The conferees recognize the importance of the Flood Map Modernization Program to state and local governments. When allocating federal flood mapping modernization funds, the conferees encourage FEMA to prioritize as criteria the number of stream and coastal miles within the state, the Mississippi River Delta region, and the participation of the state in leveraging non-federal contributions. The conferees further direct FEMA to recognize and support those states that integrate the Flood Map Mod-

ernization Program with other state programs to enhance greater security efforts and capabilities in the areas of emergency management, transportation planning and disaster response. The conferees recognize the usefulness of updated flood maps in state planning, and encourage this efficient use of federal dollars. This is in addition to direction contained in the House and Senate reports.

NATIONAL FLOOD INSURANCE FUND

(INCLUDING TRANSFER OF FUNDS)

The conferees agree to provide \$36,496,000 for salaries and expenses as proposed by both the House and Senate. The conferees further agree to provide up to \$40,000,000 for severe repetitive loss property mitigation expenses pursuant to section 1361A of the National Flood Insurance Act (NFIA) of 1968; \$10,000,000 for flood mitigation activities pursuant to section 1323 of the NFIA; and up to \$99,358,000 for other flood mitigation activities, of which up to \$40,000,000 is available for transfer to the National Flood Mitigation Fund. The conferees further agree on limitations of \$55,000,000 for operating expenses, \$660,148,000 for agents' commissions and taxes, and \$30,000,000 for interest on Treasury borrowings.

The conferees believe that, while the new flood mitigation programs targeted at repetitive loss properties will strengthen the solvency of the National Flood Insurance Fund in the long-term, it is important to manage the short-term health of the Fund as well. Therefore, the conferees direct FEMA, in the execution of these programs, to manage the Fund in the most appropriate manner in order to maintain solvency.

NATIONAL FLOOD MITIGATION FUND

The conferees agree to provide \$40,000,000 by transfer from the National Flood Insurance Fund as proposed by the House instead of \$28,000,000 as proposed by the Senate.

NATIONAL PREDISASTER MITIGATION FUND

The conferees agree to provide \$50,000,000 instead of \$150,000,000 as proposed by the House and \$37,000,000 as proposed by the Senate. The conferees are concerned with the current large unobligated balances in the National Predisaster Mitigation Fund. The conferees understand FEMA intends to obligate \$118,000,000 of carryover funding in fiscal year 2005 and the remaining \$130,000,000 by the end of fiscal year 2006. The conferees support the Predisaster Mitigation program but are concerned by the very slow pace of implementation and the obligation of the funds.

EMERGENCY FOOD AND SHELTER

The conferees agree to provide \$153,000,000 as proposed by both the House and Senate.

TITLE IV—RESEARCH, DEVELOPMENT, TRAINING, AND SERVICES

UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES

The conferees agree to provide \$115,000,000, instead of \$120,000,000 as proposed by the House and \$80,000,000 as proposed by the Senate. The conference agreement includes \$80,000,000 for backlog elimination, as well as \$35,000,000 to support the U.S. Citizenship and Immigration Services (CIS) information technology transformation effort and convert immigration records into digital format. Current estimates of fee collections are \$1,774,000,000, for total resources available to CIS of \$1,889,000,000. The conferees direct that, of these collections, not to exceed \$5,000 shall be for official reception and representation expenses. The conferees do not require the Department to report on facility needs for CIS.

The following table specifies funding by budget activity, and includes both direct appropriations and estimated collections:

| | |
|--|---------------|
| Backlog Reduction Initiatives (Direct Appropriations): | |
| Contracting Services (Backlog reduction) | \$70,000,000 |
| Other (Backlog reduction) | 10,000,000 |
| Digitization and Information Technology Transformation | 35,000,000 |
| Subtotal, Backlog Reduction Initiatives | 115,000,000 |
| Adjudication Services (fee accounts): | |
| Pay and Benefits | 657,000,000 |
| Operating Expenses: | |
| District Operations | 349,000,000 |
| Service Center Operations | 250,000,000 |
| Asylum, Refugee and International Operations | 74,000,000 |
| Records operations | 66,000,000 |
| Subtotal, Adjudication Services | 1,396,000,000 |
| Information and Customer Services (fee accounts): | |
| Pay and Benefits | 80,000,000 |
| Operating Expenses: | |
| National Customer Service Center | 47,000,000 |
| Information Services | 14,000,000 |
| Subtotal, Information and Customer Services | 141,000,000 |
| Administration (fee accounts): | |
| Pay and Benefits | 44,000,000 |
| Operating expenses | 193,000,000 |
| Subtotal, Administration | 237,000,000 |
| Total, U.S. Citizenship and Immigration Services | 1,889,000,000 |

INFORMATION TECHNOLOGY MODERNIZATION

The conferees include \$35,000,000 to support the information technology transformation process at CIS. The conferees direct CIS to refrain from obligating any of the funds until the Committees on Appropriations have received and approved a detailed spending plan, complete with project milestones, and reflecting compliance with DHS and OMB guidelines for information technology investments.

SPANISH LANGUAGE PROGRAMS

The conferees are aware CIS programs such as the National Customer Service Center provide nationwide telephone assistance to customers calling from within the United States about immigration services and benefits; information is available in English and Spanish. The conferees encourage CIS to continue to support programs that provide Spanish-speaking residents with information and assistance related to naturalization and citizenship.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

The conferees agree to provide \$194,000,000 as proposed by the House and the Senate. This amount includes the funds requested in the budget and an additional \$10,638,000 to meet the increased training needs of the Border Patrol and Immigration and Customs Enforcement.

The conferees are concerned with the lack of use of the Cheltenham, Maryland, training site. The conferees direct the Department to provide a report on the utilization rates of this facility and make recommendations on how it intends to improve usage no later than February 10, 2006.

The conferees do not provide authority to assess pecuniary liability against employees and students.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

The conferees agree to provide \$88,358,000 as proposed by the Senate instead of \$64,743,000 as proposed by the House. The increase from the budget request includes \$44,327,000 for renovation and construction needs at the Artesia, New Mexico, training center and \$3,395,000 for construction at the Glynco, Georgia, training center.

INFORMATION ANALYSIS AND INFRASTRUCTURE PROTECTION

MANAGEMENT AND ADMINISTRATION

The conferees agree to provide no funding for this appropriation, as proposed in the Secretary's organizational restructuring plan submitted on July 13, 2005, which abolished Information Analysis and Infrastructure Protection (IAIP), Management and Administration, instead of \$190,200,000 as proposed by the House and \$168,769,000 as proposed by the Senate. Funding for the functions currently performed by IAIP are included under other appropriations in this Act, and are identified accordingly.

ASSESSMENTS AND EVALUATIONS

The conferees agree to provide no funding for this appropriation, as proposed in the Secretary's organizational restructuring plan submitted on July 13, 2005, which abolished IAIP, Assessments and Evaluations, instead of \$663,240,000 as proposed by the House and \$701,793,000 as proposed by the Senate. Funding for

the functions currently performed by IAIP are included under other appropriations in this Act, and are identified accordingly.

SCIENCE AND TECHNOLOGY

MANAGEMENT AND ADMINISTRATION

The conferees agree to provide \$81,099,000 for management and administration as proposed by the Senate instead of \$81,399,000 as proposed by the House. This amount includes \$6,479,000 for the immediate Office of the Under Secretary and \$74,620,000 for other salaries and expenses.

RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS

The conferees agree to provide \$1,420,997,000 for research, development, acquisition, and operations instead of \$1,208,597,000 as proposed by the House and \$1,372,399,000 as proposed by the Senate.

The following table specifies funding by budget activity:

| | |
|---|---------------|
| Biological Countermeasures | \$380,000,000 |
| Chemical Countermeasures | 95,000,000 |
| Explosives Countermeasures | 44,000,000 |
| Threat and Vulnerability, Testing and Assessment | 43,000,000 |
| Conventional Missions | 80,000,000 |
| Rapid prototyping program | 35,000,000 |
| Standards | 35,000,000 |
| Emerging Threats | 8,000,000 |
| Critical Infrastructure Protection | 40,800,000 |
| University Programs/Homeland Security Fellowship Programs | 63,000,000 |
| Counter MANPADS | 110,000,000 |
| Safety Act | 7,000,000 |
| Cyber Security | 16,700,000 |
| Interoperability and Compatibility | 26,500,000 |
| Research and Development Consolidation | 99,897,000 |
| Radiological and Nuclear Countermeasures | 19,086,000 |
| Domestic Nuclear Detection Office | 318,014,000 |
| Total, Research, Development, Acquisition, and Operations | 1,420,997,000 |

TECHNOLOGY DEVELOPMENT AND TRANSFER

The conferees do not provide separate funding for Technology Development and Transfer as proposed by the House.

BIOLOGICAL COUNTERMEASURES

The conferees agree to provide \$380,000,000 for Biological Countermeasures instead of \$360,000,000 as proposed by the House and \$384,300,000 as proposed by the Senate. The conferees agree to provide \$23,000,000 to select a site and other pre-construction activities for the National Bio and Agrodefense Facility.

AIR CARGO

Based on recommendations in Science and Technology's (S&T) system engineering study of civil aviation security, the conferees direct \$30,000,000 be used to conduct three cargo screening pilot programs—one at an all cargo airport facility and two at passenger cargo airports (top twenty in size)—to test different concepts of operation, as described in the House report. The conferees expect

S&T to utilize TSA airport management staff to manage the oversight and day-to-day operations of these pilot programs to the greatest extent possible. One of the pilots should test whether a significant amount of cargo can be screened in the terminal using existing checked baggage security infrastructure. The conferees also expect S&T to locate these pilots at airport or airline facilities willing to contribute both physical space and other resources to this effort. The conferees direct S&T to begin all pilots in fiscal year 2006, to report on the initial results of the pilots every six months after initiation of the first pilot, and to report on the final results four months after the last pilot is completed.

RADIOLOGICAL AND NUCLEAR COUNTERMEASURES

The conferees agree to provide \$19,086,000 for Radiological and Nuclear Countermeasures as proposed by the House instead of \$226,000,000 as proposed by the Senate for Incident Management and Recovery, and Attribution and Forensics on Contaminated Evidence. Funding for all other Radiological and Nuclear portfolio activities is transferred to the Domestic Nuclear Detection Office.

DOMESTIC NUCLEAR DETECTION OFFICE

The conferees agree to provide \$318,014,000 for the Domestic Nuclear Detection Office (DNDO) instead of \$127,314,000 as proposed by both the House and the Senate. The conferees direct not less than \$81,000,000 of the amount provided is for evolutionary and transformational radiological and nuclear research and development activities. DNDO should leverage its resources with existing institutions, such as national labs and the research and development community, where practicable. In addition, \$4,000,000 is included for deployment of detection systems at interstate weigh stations. The amount provided also includes \$125,000,000, as proposed by the Senate within the S&T "Rad/Nuc" research program and by the House within the Customs and Border Protection "Salaries and Expenses" account, for the testing, development, and deployment of radiation portal monitors at the Nation's ports-of-entry. Language is included in the bill making this amount available until expended solely for this purpose.

Excluding funding for radiation portal monitors, \$144,760,500 may not be obligated until the Committees on Appropriations receive and approve an expenditure plan prepared by the Secretary and reviewed by the Government Accountability Office. None of these funds shall be obligated for establishing new programs, prototyping, or implementing a global systems architecture until the Committees on Appropriations receive and approve the expenditure plan. This plan shall include funding by program, project, and activity for each of fiscal years 2006 through 2010 and an organizational staffing plan, including contractors, full-time employee equivalents, and intra and inter agency detailees. In addition, the conferees direct the expenditure plan include a detailed description of the global nuclear detection systems architecture and milestones and costs, by fiscal year, for implementing the architecture. The plan should also include identification of the roles, missions, and responsibilities of DNDO as compared to the statutory responsibilities of all Federal agencies involved in radiological and nuclear de-

tection and how the DNDO changes any current roles, responsibilities, and functions of each involved Federal partner in both the domestic and international arenas.

CONVENTIONAL MISSION SUPPORT

The conferees agree to provide \$80,000,000 as proposed by the House instead of \$74,650,000 as proposed by the Senate. The amount includes \$25,000,000 for piloting a regional program for Federal Emergency Management Agency/State and Locals, as proposed by the Senate.

CONTAINER SECURITY AND MEGAPORTS INITIATIVE

The conferees support the budget request for container security research activities. The conferees direct the Department to provide a report, in conjunction with the U.S. Department of Energy, by February 10, 2006, on the progress made by both Departments on various radiation technology efforts, the degree of coordination between the megaport initiative and the Container Security Initiative, the types of technology (both radiation detection and other non-intrusive inspection technology) being deployed at specific locations, and the extent to which next generation technology is being explored and developed for future use.

BLAST RESISTANT RECEPTACLES

The conferees concur with the House report on blast resistant receptacles.

CRITICAL INFRASTRUCTURE PROTECTION

The conferees agree to provide \$40,800,000 for Critical Infrastructure protection instead of \$35,800,000 as proposed by the House and \$13,800,000 as proposed by the Senate. The conferees recommend \$20,000,000 to support existing work in research, development and application of technology for community based critical infrastructure protection efforts. The conferees are concerned the Department lacks appropriate assessment tools to help prioritize security risks for critical infrastructure and urges S&T to examine well-established scientific analysis tools commonly used in engineering and design, including six sigma analysis.

RAPID PROTOTYPING

The conferees agree to provide \$35,000,000 for Rapid Prototyping instead of \$30,000,000 as proposed by the House and \$20,900,000 as proposed by the Senate. The conferees support the budget request and include additional funds of \$4,000,000 to encourage further implementation of section 313 of the Homeland Security Act of 2002, and to increase the speed innovative products are being reviewed, certified, and released to market. An additional \$10,000,000 is provided to evaluate emerging civil aviation defense technologies.

COUNTER MANPADS

The conferees agree to provide \$110,000,000 as proposed by the House and the Senate. The conferees do not support using

\$10,000,000 of this amount for investigating alternative technologies as proposed by the House.

INTEROPERABILITY AND COMPATIBILITY

The conferees agree to provide \$26,500,000 for Interoperability and Compatibility instead of \$41,500,000 as proposed by the House and \$15,000,000 as proposed by the Senate. The amount provided includes \$5,000,000 for expanded deployment of RapidCom, instead of \$10,000,000 as proposed by the House. The conferees concur with the House report language regarding the Risk Assessment Policy Working Group. The conferees direct the Office of Interoperability and Compatibility (OIC) to work with the National Institute of Standards and Technology and the U.S. Department of Justice to require, when Project 25 equipment is purchased with such funds, the equipment meets the requirements of a conformity assessment program. The conferees further direct such a conformity assessment program be funded by this appropriation and be available by the end of fiscal year 2006. Consistent with current SAFECOM guidelines, the conferees agree other technologies can also be funded, but the grant applications should present a compelling argument why the use of these other technologies will improve the status quo of interoperability with neighboring jurisdictions.

AGROTERRORISM

The conferees encourage the Department to work in conjunction with USDA and HHS and other organizations on agroterrorism and animal-based bioterrorism, including the development and stockpiling of veterinary vaccines. The conferees also encourage S&T to work with one or more states to develop a model integrated agricultural response system, utilizing geographic information systems that identify critical agricultural infrastructure. Such a system should help prevent, and mitigate the impact of, incidents.

NEW TECHNOLOGIES

The conferees believe new technologies may significantly help the Department as it seeks to secure our homeland. The conferees encourage the Department to develop such technologies as lightweight miniature cooling systems for protective gear; proteomic pathogen reference libraries; aquatic bioassessment; airborne rapid response mapping; mobile and non-intrusive cargo scanning; investments that focus on nuclear threats and biological attacks, such as aerosolized pathogens and the spread of zoonotic diseases as well as the spread of infectious disease such as SARS and avian flu; real-time detection, identification and assessment of chemical, biological, nuclear, radiological, explosive and concealed threats; mitigating hazardous material shipping violations; and leveraging intelligent transportation systems.

NANOTECHNOLOGY

The conferees believe nanotechnology is a promising technology that can contribute significantly in the defense against terrorism. The conferees encourage S&T to pursue research in

nanotechnologies that may aid in the detection of biological, chemical, radiological, and explosive agents; and to consider ways to use these technologies for protecting transit systems.

TUNNELS

The conferees support language in the House report and section 524 of the Senate bill with regard to tunnel detection technologies.

RESEARCH AND DEVELOPMENT CONSOLIDATION

The conferees agree to provide \$99,897,000 as proposed by the Senate instead of \$116,897,000 as proposed by the House to consolidate all research and development funding within S&T with the exception of research and development activities of the U.S. Coast Guard, which is to remain within that agency.

TITLE V—GENERAL PROVISIONS

Section 501. The conferees continue a provision that no part of any appropriation shall remain available for obligation beyond the current year unless expressly provided.

Section 502. The conferees continue a provision that unexpended balances of prior appropriations may be merged with new appropriations accounts and used for the same purpose, subject to reprogramming guidelines.

Section 503. The conferees continue and modify a provision that provides authority to reprogram appropriations within an account and to transfer not to exceed five percent between appropriations accounts with 15-day advance notification of the Committees on Appropriations. A detailed funding table identifying each Congressional control level for reprogramming purposes is included at the end of this statement. These reprogramming guidelines shall be complied with by all agencies funded by the Department of Homeland Security Appropriations Act, 2006.

The conferees expect the Department to submit reprogramming requests on a timely basis, and to provide complete explanations of the reallocations proposed, including detailed justifications of the increases and offsets, and any specific impact the proposed changes will have on the budget request for the following fiscal year and future-year appropriations requirements. Each request submitted to the Committees should include a detailed table showing the proposed revisions at the account, program, project, and activity level to the funding and staffing (full-time equivalent position) levels for the current fiscal year and to the levels requested in the President's budget for the following fiscal year.

The conferees expect the Department to manage its programs and activities within the levels appropriated. The conferees are concerned with the number of reprogramming proposals submitted for consideration by the Department and remind the Department that reprogramming or transfer requests should be submitted only in the case of an unforeseeable emergency or situation that could not have been predicted when formulating the budget request for the current fiscal year. Further, the conferees note that when the Department submits a reprogramming or transfer request to the

Committees on Appropriations and does not receive identical responses from the House and Senate, it is the responsibility of the Department to reconcile the House and Senate differences before proceeding, and if reconciliation is not possible, to consider the reprogramming or transfer request unapproved.

The Department is not to propose a reprogramming or transfer of funds after June 30th unless there are exceptional or extraordinary circumstances such that lives or property are placed in imminent danger.

Section 504. The conferees include a new provision that none of the funds appropriated or otherwise available to the Department may be used to make payment to the Department's Working Capital Fund, except for activities and amounts allowed in section 6024 of Public Law 109-13, excluding the Homeland Secure Data Network, as proposed by the Senate.

Section 505. The conferees continue a provision that not to exceed 50 percent of unobligated balances remaining at the end of fiscal year 2006 from appropriations made for salaries and expenses shall remain available through fiscal year 2007 subject to reprogramming guidelines.

Section 506. The conferees continue a provision that provides that funds for intelligence activities are deemed to be specifically authorized during fiscal year 2006 until the enactment of an Act authorizing intelligence activities for fiscal year 2006.

Section 507. The conferees continue and modify a provision that directs the Federal Law Enforcement Training Center (FLETC) to lead the Federal law enforcement training accreditation process.

Section 508. The conferees continue and modify a provision that requires notification of the Committees on Appropriations three business days before any grant allocation, discretionary grant award, discretionary contract award, letter of intent, or public announcement of the intention to make such an award totaling in excess of \$1,000,000.

Section 509. The conferees continue a provision that no agency shall purchase, construct, or lease additional facilities for federal law enforcement training without advance approval of the Committees on Appropriations.

Section 510. The conferees continue a provision that FLETC shall schedule basic and/or advanced law enforcement training at all four training facilities under its control to ensure that these training centers are operated at the highest capacity.

Section 511. The conferees continue a provision that none of the funds may be used for any construction, repair, alteration, and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, has not been approved.

Section 512. The conferees continue a provision that none of the funds may be used in contravention of the Buy American Act.

Section 513. The conferees include a new provision requiring the Department to take actions to comply with the second proviso of section 513 of Public Law 108-334 and to submit a report to the Committees on Appropriations biweekly beginning on October 1, 2005, if the Department is not in compliance. Additionally, the Secretary shall take all possible actions to increase the level of cargo

screened beyond the level mandated in section 513 of Public Law 108–334 and shall report to the Committees on Appropriations every six months on the actions taken and the quantity of air cargo inspected at each airport.

Section 514. The conferees continue a provision that allows TSA to impose a reasonable charge for the lease of real and personal property to TSA employees.

Section 515. The conferees continue and make permanent a provision that directs that the acquisition management system of TSA be applied to the acquisition of services, equipment, supplies, and materials.

Section 516. The conferees continue and modify a provision related to the transfer of the authority to conduct background investigations from the Office of Personnel Management to DHS, as proposed by the House. The conferees are concerned by delays in personnel security and suitability background investigations, update investigations and periodic reinvestigations for Departmental employees and, in particular for positions within the Office of the Secretary and Executive Management, Office of the Under Secretary for Management, Analysis and Operations, Immigration and Customs Enforcement, the Directorate of Science and Technology, and the Directorate for Preparedness. The conferees direct that this authority be used to expeditiously process background investigations, including updates and reinvestigations, as necessary.

Section 517. The conferees continue and make permanent a provision that exempts funds appropriated under paragraphs (1) and (2) of the State and Local Programs heading under Title III of this Act from the provisions of the Cash Management Improvement Act of 1990.

Section 518. The conferees continue and modify a provision to prohibit the obligation of funds for the Secure Flight program, except on a test basis, until the requirements of section 522 of Public Law 108–334 have been met and the Government Accountability Office (GAO) has reviewed and made certain certifications. The conferees direct the GAO to continue to evaluate DHS and TSA actions to meet the ten elements listed in section 522 of Public Law 108–334 and to report to the Committees on Appropriations, either incrementally as the Department meets additional elements, or when all elements have been met by the Department. The provision also prohibits the obligation of funds for a commercial database that is obtained from or remains under the control of a non-Federal entity, excluding Passenger Name Record data obtained from air carriers.

Section 519. The conferees continue a provision that directs that none of the funds may be used to amend the oath of allegiance required by section 337 of the Immigration and Nationality Act (8 U.S.C. 1448).

Section 520. The conferees continue a provision regarding competitive sourcing.

Section 521. The conferees continue a provision that none of the funds in this Act shall be available to maintain the United States Secret Service as anything but a distinct entity within the Department of Homeland Security and shall not be used to merge the United States Secret Service with any other department func-

tion, cause any personnel and operational elements of the United States Secret Service to report to an individual other than the Director of the United States Secret Service, or cause the Director to report directly to any individual other than the Secretary of Homeland Security.

Section 522. The conferees include a new provision that none of the funds appropriated in this Act or by previous appropriations Acts may be made available for the protection of the head of a Federal agency other than the Secretary of Homeland Security, unless the Secret Service is fully reimbursed, as proposed by the Senate.

Section 523. The conferees include a new provision that directs that the data storage facilities at the John C. Stennis Space Center shall hereafter be known as the “National Center for Critical Information Processing and Storage,” as proposed by the Senate.

Section 524. The conferees include a new provision that directs the Secretary to develop standards and protocols for increasing the use of explosive detection equipment to screen air cargo when appropriate, as proposed by the House and modified by the conferees.

Section 525. The conferees include a new provision that directs TSA to utilize existing checked baggage explosive detection equipment and screeners to screen cargo on passenger aircraft when practicable, as proposed by the House. The provision directs TSA to submit a monthly report, starting in August 2005, to the Committees on Appropriations on the amount of cargo carried on passenger aircraft that was screened.

Section 526. The conferees include a new provision that directs that none of the funds available for obligation in this Act be used for the transportation worker identification credential program to develop a personalization system that is decentralized or a card production capability that does not utilize an existing government card production facility, as proposed by the House.

Section 527. The conferees include a new provision that rescinds \$78,630,689 for Integrated Deepwater System 110- to 123-foot patrol boats conversion found in the United States Coast Guard “Acquisition, Construction and Improvements” account, as proposed by the House, and modified by the conferees. The funds are re-appropriated towards the service life extension of Island Class patrol boats and the design, production, and long lead materials of the Fast Response Cutter.

Section 528. The conferees include a new provision that directs the Secretary to utilize the Transportation Security Clearinghouse, which currently processes criminal history background checks for airline and airport employees, as the central identity management system for deployment and operation of the registered traveler program and the transportation worker identification credential program for the purposes of collecting and aggregating biometric data necessary for background vetting; providing all associated record-keeping, customer service, and related functions; ensuring interoperability between different airports and vendors; and acting as a centralized aviation, revocation, and transaction hub for participating airports, ports, and other points of presence, as proposed by the House.

Section 529. The conferees include a new provision that directs that only the privacy officer, appointed pursuant to section 222 of

the Homeland Security Act of 2002, may alter, direct that changes be made to, delay or prohibit the transmission of a privacy officer report to Congress, as proposed by the House.

Section 530. The conferees include a new provision requiring only those employees who are trained in contract management to perform contract management, as proposed by the House and modified by the conferees. The conferees note that an Inspector General's report (OIG-05-18) on the Transportation Security Operations Center found blatant mismanagement and waste of taxpayer dollars. TSA employees managing this contract did not have proper training. The conferees direct the Secretary to ensure that this does not happen in the future.

Section 531. The conferees include a new provision that directs that any funds appropriated or transferred to TSA "Aviation Security" and "Administration" in fiscal years 2004 and 2005, which are recovered or deobligated shall be available only for procurement and installation of explosive detection systems for air cargo, baggage and checkpoint screening systems, subject to section 503 of this Act, as proposed by the House and modified by the conferees.

Section 532. The conferees include a new provision regarding the survey and designation of ports of entry in the United States, as proposed by the Senate and modified by the conferees.

Section 533. The conferees include a new provision regarding FEMA's public assistance program and the City of Paso Robles, California, as proposed by the House and modified by the conferees.

Section 534. The conferees include a new provision regarding FEMA's public assistance program and El Dorado County, California, as proposed by the House and modified by the conferees.

Section 535. The conferees include a new provision regarding FEMA's public assistance program and the University of Hawaii, Manoa campus.

Section 536. The conferees include a new provision regarding H2A Visas.

Section 537. The conferees include a new provision on Sensitive Security Information as proposed by the House and modified by the conferees.

Section 538. The conferees provide \$40,000,000 for discretionary grants to States to implement the REAL ID Act of 2005 instead of \$100,000,000 as proposed by the House and \$40,000,000 as proposed by the Senate within the Office of State and Local Government Coordination and Preparedness. These grants, to assist with the implementation of the national standards for drivers' licenses, shall be made at the discretion of the Secretary. Bill language is included requiring the submission of an implementation plan for the responsibilities of the Department of Homeland Security under the recently enacted REAL ID Act of 2005 (Public Law 109-13). This plan should include, but not be limited to, the proposed uses of the funds, and the criteria to be used to approve the extension of deadlines. The conferees include bill language requiring that no less than \$6,000,000 be made available for pilot projects to begin immediately in order that lessons learned and best practices might be made available to all States as quickly as possible.

Section 539. The conferees include a new provision that extends the authorization of the Working Capital Fund until October 1, 2006.

Section 540. The conferees include a new provision regarding fees for the registered traveler program.

Section 541. The conferees include a new provision regarding liability protection for certain persons who report a situation, activity or incident.

Section 542. The conferees include a new provision that rescinds \$15,000,000 from the Department of Homeland Security Working Capital Fund, instead of \$7,000,000 as proposed by the House and \$12,000,000 as proposed by the Senate under Departmental Management and Operations.

Section 543. The conferees include a new provision that rescinds \$5,500,000 from unobligated balances previously appropriated to the Transportation Security Administration, "Aviation Security". Of these funds, \$3,000,000 shall be rescinded from training and other activities and \$2,500,000 shall be rescinded from checkpoint support.

Section 544. The conferees include a new provision that rescinds \$6,369,118 from previous Appropriations Acts for the United States Coast Guard "Operating Expenses" and "Acquisition, Construction and Improvements". The Secretary is directed to advise the Committees on Appropriations on the distribution of the rescission prior to its implementation.

Section 545. The conferees include a new provision that rescinds \$8,000,000 from unobligated balances previously appropriated to the Counterterrorism Fund.

Section 546. The conferees include a new provision that rescinds \$20,000,000 from unobligated balances previously appropriated to Science and Technology, "Research, Development, Acquisition, and Operations". The Secretary is directed to advise the Committees on Appropriations on the distribution of the rescission prior to its implementation.

Section 547. The conferees include a new provision on the Transportation Security Administration's security screening opt-out program.

Section 548. The conferees include a new provision on the weekly reporting requirement directed in Public Law 109-62.

PROVISIONS NOT ADOPTED

The conference agreement deletes section 513 of the House bill requiring the Coast Guard to provide Congress a list of approved but unfunded priorities each year.

The conference agreement deletes section 519 of the Senate bill reflecting the sense of the Senate on border security. This requirement is addressed in the statement of managers.

The conference agreement deletes section 520 of the Senate bill providing emergency funds to the Veterans Health Administration.

The conference agreement deletes section 521 of the Senate bill requiring a report on the steps the Department has taken to comply with the recommendations of the Inspector General's report on the Port Security Grant Program. This requirement is addressed in the statement of managers.

The conference agreement deletes section 522 of the Senate bill requiring the Department to conduct a survey of state and local government emergency officials on homeland security related matters. This requirement is addressed in the statement of managers.

The conference agreement deletes section 523 of the Senate bill requiring a quadrennial review of homeland defense. This requirement is addressed in the statement of managers.

The conference agreement deletes section 524 of the House bill requiring the Department of Homeland Security to submit a security plan to open general aviation at Ronald Reagan Washington National Airport.

The conference agreement deletes section 524 of the Senate bill reflecting the sense of the Senate on rail tunnel security research. This requirement is addressed in the statement of managers.

The conference agreement deletes section 525 of the Senate bill encouraging the Secretary of Homeland Security to designate one agency within the Department of Homeland Security with the responsibility for managing man portable air defense system counter-measures systems.

The conference agreement deletes section 526 of the Senate bill directing the Secretary to provide a detailed accounting of funds made available by Congress to New York City and the State of New York as a result of the September 11, 2001, terrorist attacks.

A report on the transition of Crisis Counseling services from FEMA to New York City is addressed in the statement of managers.

The conference agreement deletes section 527 of the Senate bill requiring a report on the risks and vulnerabilities associated with general aviation. This requirement is addressed in the statement of managers.

The conference agreement deletes section 528 of the Senate bill requiring the submittal of data-mining reports from the head of each Department of Homeland Security agency that is engaged in, or developing, data-mining. This requirement is addressed in the statement of managers.

The conference agreement deletes section 529 of the Senate bill prohibiting the use of funds identified in the Inspector General's Report of March 2005 "Irregularities in the Development of the Transportation Security Operations Center" as wasteful. This requirement is addressed in the statement of managers.

The conference agreement deletes section 531 of the Senate bill reflecting the sense of the Senate that the Department of Homeland Security should continue to coordinate with the American Red Cross in developing a mass care plan in the United States. This issue is addressed in the statement of managers.

The conference agreement deletes section 532 of the Senate bill requiring the Department of Defense to submit the overdue report requested in Public Law 109-13.

The conference agreement deletes section 533 of the Senate bill reflecting the sense of the Senate on the vulnerabilities of chemical facilities. This requirement is addressed in the statement of managers.

The conference agreement deletes section 533 of the House bill regarding H1B Visa processing.

The conference agreement deletes section 534 of the Senate bill requiring the Secretary to provide reimbursement guidelines to any county or government entity affected by a hurricane of the costs of hurricane debris removal. This requirement is addressed in the statement of managers.

The conference agreement deletes section 535 of the House bill prohibiting the use of funds to alter the name of Coast Guard Station “Group St. Petersburg”.

The conference agreement deletes section 535 of the Senate bill requiring a report on changes to emergency preparedness and response policies as a result of the report of the Inspector General dated May 20, 2005. This requirement is addressed in the statement of managers.

The conference agreement deletes section 536 of the House bill prohibiting the use of funds to patrol the border of the United States except as authorized by law.

The conference agreement deletes section 536 of the Senate bill reflecting the sense of the Senate that the Department should conduct a study of the feasibility of leveraging existing FM broadcast radio infrastructure as an emergency messaging system. This requirement is addressed in the statement of managers.

The conference agreement deletes section 537 of the Senate bill requiring the Under Secretary for Emergency Preparedness and Response to propose new inspection guidelines that prohibit inspectors from entering into contracts with any individual or entity for whom the inspector performs an inspection for the purpose of determining eligibility for assistance from the Federal Emergency Management Agency. This requirement is addressed in the statement of managers.

The conference agreement deletes section 538 of the Senate bill, which would prohibit the Departments of Homeland Security and State from issuing regulations to limit United States citizens to a passport as the exclusive document to be presented upon entry into the United States from Canada by land. The proposed rule, as issued for public comment on September 1, 2005, is in compliance with the Senate provision. The conferees expect that the Department will provide alternatives to SENTRI, NEXUS and FAST for residents of small and rural Northern Border communities.

The conference agreement deletes section 539 of the Senate bill directing the Comptroller General of the United States to conduct a study on the justification and effects of raising the Homeland Security Advisory System alert level to Code Orange.

The conference agreement deletes section 540 of the Senate bill reflecting the sense of the Senate on strengthening security at nuclear power plants.

The conference agreement deletes section 541 of the Senate bill reflecting the sense of the Senate regarding threat assessment of major tourist attractions. This requirement is addressed in the statement of managers.

TITLE VI—HOMELAND SECURITY GRANT ENHANCEMENT

The conference agreement does not include Title VI of the Senate bill, “Homeland Security Grant Enhancement” as proposed by the Senate. The House bill contained no similar matter.

CONFERENCE RECOMMENDATIONS

The conference agreement's detailed funding recommendations for programs in this bill are contained in the table listed below. The fiscal year 2006 budget request column reflects the Department of Homeland Security's organizational restructuring plan transmitted to Congress on July 13, 2005.

DEPARTMENT OF HOMELAND SECURITY
(Amounts in thousands)

| | Budget Request | Conference |
|--|-------------------|------------|
| DEPARTMENT OF HOMELAND SECURITY | | |
| TITLE I - DEPARTMENTAL MANAGEMENT AND OPERATIONS | | |
| Departmental Operations | | |
| Office of the Secretary and Executive Management: | | |
| Immediate Office of the Secretary..... | 2,393 | 2,393 |
| Immediate Office of the Deputy Secretary..... | 1,132 | 1,132 |
| Chief of Staff..... | 4,103 | 4,103 |
| Executive Secretary..... | 5,491 | 4,131 |
| Office of Policy..... | 25,027 | 20,713 |
| Office of Public Affairs..... | 9,312 | 8,312 |
| Office of Legislative and Intergovernmental Affairs..... | 7,107 | 6,325 |
| Office of General Counsel..... | 11,947 | 11,267 |
| Office of Civil Rights and Liberties..... | 13,000 | 13,000 |
| Citizenship and Immigration Services Ombudsman.... | 3,652 | 3,652 |
| Privacy Officer..... | 3,981 | 4,381 |
| Regions..... | 49,895 | --- |
| Subtotal, Office of the Secretary and Executive Management..... | 137,040 | 79,409 |
| Office of Screening Coordination and Operations..... | --- | 4,000 |
| Office of the Under Secretary for Management: | | |
| Under Secretary for Management..... | 1,867 | 1,687 |
| Office of Security..... | 61,278 | 51,278 |
| Business Transformation Office..... | 2,208 | 1,880 |
| Office of the Chief Procurement Officer..... | 9,020 | 9,020 |
| Office of the Chief Human Capital Officer: | | |
| Salaries and expenses..... | 8,996 | 8,900 |
| MAX - HR System..... | 53,000 | 30,000 |
| Subtotal, Office of the Chief Human Capital Officer..... | 61,996 | 38,900 |
| Office of the Chief Administrative Officer: | | |
| Salaries and expenses..... | 40,731 | 40,000 |
| Nebraska Avenue Complex (NAC-DHS Headquarters) | 26,070 | 26,070 |
| Subtotal, Office of the Chief Administrative Officer..... | 66,801 | 66,070 |
| Subtotal, Office of the Under Secretary for Management..... | 203,170 | 168,835 |
| Office of the Chief Financial Officer..... | 19,765 | 19,405 |
| Office of the Chief Information Officer: | | |
| Salaries and expenses..... | 75,756 | 75,756 |
| Information technology services..... | 110,944 | 83,444 |
| Security activities..... | 31,000 | 19,000 |
| Wireless program..... | 86,000 | 86,000 |
| Homeland Secure Data Network (HSDN)..... | --- | 33,029 |
| Subtotal, Office of the Chief Information Officer..... | 303,700 | 297,229 |
| Analysis and operations..... | 311,180 | 255,495 |
| Total, Departmental operations..... | 974,855 | 824,373 |

DEPARTMENT OF HOMELAND SECURITY
(Amounts in thousands)

| | Budget Request | Conference |
|--|-------------------|------------|
| ----- | | |
| Office of Inspector General | | |
| Operating expenses..... | 83,017 | 83,017 |
| ----- | | |
| Total, title I, Departmental Management and Operations..... | 1,057,872 | 907,390 |
| | ===== | ===== |
| TITLE II - SECURITY, ENFORCEMENT, AND INVESTIGATIONS | | |
| U.S. Visitor and Immigrant Status Indicator Technology | --- | 340,000 |
| Office of Screening Coordination and Operations: | | |
| Management and administration..... | 20,000 | --- |
| U.S. Visitor and Immigrant Status Indicator Technology..... | 390,232 | --- |
| Secure Flight..... | 94,294 | --- |
| FAST..... | 7,000 | --- |
| NEXUS/SENTRI..... | 14,000 | --- |
| Fee Funded Program: | | |
| TWIC/TSA Credentialing..... | (100,000) | --- |
| Registered Traveler..... | (20,000) | --- |
| HAZMAT..... | (50,000) | --- |
| Alien Flight School (By transfer)..... | (10,000) | --- |
| ----- | | |
| Total, Office of Screening Coordination and Operations..... | (705,526) | --- |
| Appropriations..... | (525,526) | --- |
| (Fee funded programs)..... | (180,000) | --- |
| | ===== | ===== |
| Customs and Border Protection | | |
| Salaries and expenses: | | |
| Management and administration, border security inspections and trade facilitation..... | 656,826 | 655,000 |
| Management and administration, border security and control between port of entry..... | 593,207 | 590,000 |
| ----- | | |
| Subtotal, Headquarters management and admin... | 1,250,033 | 1,245,000 |
| Border security inspections and trade facilitation: | | |
| Inspections, trade, and travel facilitation at ports of entry..... | 1,274,994 | 1,262,269 |
| Harbor maintenance fee collection (trust fund) | 3,000 | 3,000 |
| Container security initiative | 138,790 | 138,790 |
| Other international programs | 8,629 | 8,629 |
| Customs trade partnership against terrorism/ Free and Secure Trade (FAST) NEXUS/SENTRI... | 54,268 | 75,268 |
| Inspection and detection technology investments..... | 188,024 | 63,024 |
| Automated targeting systems..... | 28,253 | 28,253 |
| National Targeting Center..... | 16,697 | 16,697 |
| Other technology investments, including information technology..... | 1,018 | 1,018 |
| Training..... | 24,351 | 24,351 |
| ----- | | |
| Subtotal, Border security inspections and trade facilitation..... | 1,738,024 | 1,621,299 |

DEPARTMENT OF HOMELAND SECURITY
(Amounts in thousands)

| | Budget Request | Conference |
|--|-------------------|-------------|
| Border security and control between ports of entry: | | |
| Border security and control..... | 1,464,989 | 1,742,977 |
| Air program operations..... | 57,971 | --- |
| Unmanned aerial vehicles..... | 10,180 | --- |
| America Shield Initiative (ASI)..... | 51,084 | 31,284 |
| Training..... | 22,203 | 22,203 |
| Subtotal, Border security and control between ports of entry..... | 1,606,427 | 1,796,464 |
| Air and marine operations, personnel compensation and benefits..... | 136,060 | 163,560 |
| Subtotal, Salaries and expenses..... | 4,730,544 | 4,826,323 |
| Automation modernization: | | |
| Automated commercial environment/International Trade Data System (ITDS)..... | 321,690 | 320,000 |
| Automated commercial system and legacy IT costs... | 136,319 | 136,000 |
| Subtotal, Automation modernization..... | 458,009 | 456,000 |
| Air and marine interdiction, operations, maintenance, and procurement: | | |
| Operations and maintenance..... | 230,682 | 262,953 |
| Unmanned aerial vehicles..... | --- | 10,180 |
| Procurement..... | 62,098 | 127,098 |
| Subtotal, Air and marine interdiction, operations, maintenance, and procurement..... | 292,780 | 400,231 |
| Construction: | | |
| Construction (Border patrol)..... | 93,418 | 270,000 |
| Total, Direct appropriations..... | 5,574,751 | 5,952,554 |
| Fee accounts: | | |
| Immigration inspection user fee..... | (464,816) | (464,816) |
| Immigration enforcement fines..... | (6,403) | (6,403) |
| Land border inspection fee..... | (29,878) | (29,878) |
| COBRA passenger inspection fee..... | (334,000) | (334,000) |
| APHIS inspection fee..... | (204,000) | (204,000) |
| Puerto Rico collections..... | (97,815) | (97,815) |
| Small airport user fees..... | (5,234) | (5,234) |
| Subtotal, fee accounts..... | (1,142,146) | (1,142,146) |
| Total, Customs and Border Protection..... | (6,716,897) | (7,094,700) |
| Appropriations..... | (5,574,751) | (5,952,554) |
| (Fee accounts)..... | (1,142,146) | (1,142,146) |
| | ===== | ===== |
| Immigration and Customs Enforcement | | |
| Salaries and expenses: | | |
| Headquarters Management and Administration (non-Detention and Removal Operations): | | |
| Personnel compensation and benefits, service and other costs..... | 277,572 | 123,600 |
| Headquarters managed IT investment..... | 134,571 | 133,104 |
| Subtotal, Headquarters management and administration..... | 412,143 | 256,704 |

DEPARTMENT OF HOMELAND SECURITY
(Amounts in thousands)

| | Budget Request | Conference |
|--|-------------------|-------------|
| Legal proceedings..... | --- | 130,181 |
| Investigations: | | |
| Operations..... | 1,215,916 | --- |
| Training..... | 17,932 | --- |
| Domestic..... | --- | 1,195,050 |
| International..... | --- | 101,918 |
| Subtotal, Investigations..... | 1,233,848 | 1,296,968 |
| Intelligence: | | |
| Headquarters Reporting Center..... | 4,988 | --- |
| Operations/Operations Center..... | 56,834 | --- |
| Intelligence..... | --- | 50,970 |
| Subtotal, Intelligence..... | 61,822 | 50,970 |
| Detention and removal operations: | | |
| Custody management..... | 600,160 | --- |
| Case management..... | 166,277 | --- |
| Custody Operations..... | --- | 1,013,329 |
| Fugitive operations..... | 103,255 | 102,881 |
| Institutional removal program..... | 70,104 | 93,969 |
| Alternatives to detention..... | 33,406 | 28,497 |
| Transportation and removal program..... | 211,266 | 135,000 |
| Subtotal, Detention and removal operations.. | 1,184,468 | 1,373,676 |
| Subtotal, Salaries and expenses..... | 2,892,281 | 3,108,499 |
| Federal protective service: | | |
| Basic security..... | 109,235 | 109,235 |
| Building specific security (including capital equipment replacement/acquisition)..... | 377,765 | 377,765 |
| Subtotal..... | 487,000 | 487,000 |
| Offsetting fee collections..... | -487,000 | -487,000 |
| Automation modernization: | | |
| ATLAS/CHIMERA IT connectivity..... | 40,150 | 40,150 |
| Construction..... | 26,546 | 26,546 |
| Total, Direct appropriations..... | 2,958,977 | 3,175,195 |
| Fee accounts: | | |
| Immigration inspection user fee..... | (91,621) | (100,000) |
| Breach bond/detention fund..... | (71,260) | (87,000) |
| Student exchange and visitor fee..... | (66,552) | (66,552) |
| Subtotal, fee accounts..... | (229,433) | (253,552) |
| Subtotal, Immigration and Customs Enforcement (gross)..... | (3,675,410) | (3,915,747) |
| Offsetting fee collections..... | (-487,000) | (-487,000) |
| Total, Immigration and Customs Enforcement..... | (3,188,410) | (3,428,747) |
| Appropriations..... | (2,958,977) | (3,175,195) |
| (Fee accounts)..... | (229,433) | (253,552) |
| ===== | ===== | ===== |

DEPARTMENT OF HOMELAND SECURITY
(Amounts in thousands)

| | Budget Request | Conference |
|--|-------------------|------------|
| Transportation Security Administration | | |
| Aviation security: | | |
| Screener operations: | | |
| Screener workforce: | | |
| Privatized screening..... | 146,151 | 139,654 |
| Passenger screener - personnel, compensation, and benefits..... | 1,590,969 | 1,520,000 |
| Baggage screener - personnel, compensation, and benefits..... | 931,864 | 884,000 |
| Subtotal, Sceener workforce..... | 2,668,984 | 2,543,654 |
| Screening training and other: | | |
| Passenger screeners, other..... | --- | 23,752 |
| Baggage screeners, other..... | --- | 134,794 |
| Screener training..... | 91,004 | 88,004 |
| Screener other..... | 170,246 | --- |
| Subtotal, Screening training and other | 261,250 | 246,550 |
| Human resource services..... | 207,234 | 207,234 |
| Checkpoint support..... | 157,461 | 165,000 |
| EDS/ETD Systems: | | |
| Purchase..... | 130,000 | 175,000 |
| Installation..... | 14,000 | 45,000 |
| Maintenance..... | 200,000 | 200,000 |
| Operation integration..... | 23,000 | 23,000 |
| Subtotal, EDS/ETD Systems..... | 367,000 | 443,000 |
| Subtotal, Screening operations..... | 3,661,929 | 3,605,438 |
| Aviation direction and enforcement: | | |
| Aviation regulation and other enforcement..... | 238,196 | 222,416 |
| Airport management, IT, and support..... | 758,370 | 686,032 |
| FFDO and flight crew training..... | 36,289 | 30,500 |
| Air cargo..... | 40,000 | 55,000 |
| Airport perimeter security..... | --- | 5,000 |
| Foreign repair stations..... | --- | 3,000 |
| Subtotal, Aviation direction and enforcement | 1,072,855 | 1,001,948 |
| Subtotal, Aviation security (gross)..... | 4,734,784 | 4,607,386 |
| Offsetting fee collections..... | -3,670,000 | -1,990,000 |
| Total, Aviation security (net)..... | 1,064,784 | 2,617,386 |
| Surface transportation security: | | |
| Surface transportation security staffing..... | 24,000 | --- |
| Enterprise staffing..... | --- | 24,000 |
| Hazardous materials truck tracking/training..... | --- | 4,000 |
| Rail security inspectors and canines..... | 8,000 | 8,000 |
| Subtotal, Surface transportation security..... | 32,000 | 36,000 |
| Transportation Vetting and Credentialing: | | |
| SecureFlight..... | --- | 56,696 |
| Crew vetting..... | --- | 13,300 |
| Screening administration and operations..... | --- | 5,000 |
| Registered Traveler Program fees..... | --- | (20,000) |
| TWIC fees..... | --- | (100,000) |
| HAZMAT fees..... | --- | (50,000) |
| Alien Flight School (by transfer from DOJ) - fees..... | --- | (10,000) |

DEPARTMENT OF HOMELAND SECURITY
(Amounts in thousands)

| | Budget Request | Conference |
|--|-------------------|-------------|
| Subtotal, Transportation Vetting and Credentialing (Gross)..... | --- | (254,996) |
| Fee Funded Programs..... | --- | (180,000) |
| Subtotal, Transportation Vetting and Credentialing (net)..... | --- | 74,996 |
| Transportation security support: | | |
| Intelligence..... | 21,000 | 21,000 |
| Administration: | | |
| Headquarters administration..... | 302,781 | 279,391 |
| Mission support centers..... | 3,051 | --- |
| Information technology..... | 210,092 | 210,092 |
| Corporate training..... | 8,084 | --- |
| Subtotal, Administration..... | 524,008 | 489,483 |
| Subtotal, Transportation security support..... | 545,008 | 510,483 |
| Federal Air Marshals: | | |
| Management and Administration..... | 616,927 | 613,400 |
| Travel and Training..... | 71,933 | 70,800 |
| Air-to-ground communications..... | --- | 2,000 |
| Subtotal, Federal Air Marshals..... | 688,860 | 686,200 |
| Aviation security capital fund..... | (250,000) | (250,000) |
| Total, Transportation Security Administration (gross)..... | 6,250,652 | 6,345,065 |
| Offsetting fee collections..... | -3,670,000 | -1,990,000 |
| Aviation security capital fund..... | (250,000) | (250,000) |
| Fee accounts..... | --- | (180,000) |
| Total, Transportation Security Administration (net)..... | 2,330,652 | 3,925,065 |
| | ===== | ===== |
| United States Coast Guard | | |
| Operating expenses: | | |
| Military pay and allowances..... | 3,011,130 | 3,004,818 |
| Civilian pay and benefits..... | 535,836 | 531,497 |
| Training and recruiting..... | 178,212 | 177,130 |
| Operating funds and unit level maintenance..... | 985,309 | 956,970 |
| Centrally managed accounts..... | 193,936 | 185,000 |
| Intermediate and depot level maintenance..... | 642,977 | 636,916 |
| Subtotal, Operating expenses..... | 5,547,400 | 5,492,331 |
| Rescission (Port Security Assessments, PL 108-11)..... | --- | -15,104 |
| Less adjustment for defense function..... | -340,000 | -1,200,000 |
| Defense function..... | 340,000 | 1,200,000 |
| Subtotal, Operating expenses..... | 5,547,400 | 5,477,227 |
| Appropriations..... | (5,207,400) | (4,292,331) |
| Rescissions..... | --- | (-15,104) |
| Defense function..... | (340,000) | (1,200,000) |
| Environmental compliance and restoration..... | 12,000 | 12,000 |

DEPARTMENT OF HOMELAND SECURITY
(Amounts in thousands)

| | Budget Request | Conference |
|--|-------------------|------------|
| Reserve training..... | 119,000 | 119,000 |
| Acquisition, construction, and improvements: | | |
| Vessels: | | |
| Response boat medium (41ft UTB and NSB replacement)..... | 22,000 | 18,500 |
| Aircraft: | | |
| Armed helicopter equipment (Phase I) (legacy asset)..... | 19,902 | 10,000 |
| Covert surveillance aircraft..... | --- | 10,000 |
| C-130J Missionization..... | 5,000 | --- |
| Subtotal, Aircraft..... | 24,902 | 20,000 |
| Other equipment: | | |
| Automatic identification system..... | 29,100 | 24,000 |
| National distress and response system modernization (Rescue 21)..... | 101,000 | 41,000 |
| HF Recap..... | 10,000 | --- |
| Subtotal, Other equipment..... | 140,100 | 65,000 |
| Personnel compensation and benefits: | | |
| Core acquisition costs..... | 500 | 500 |
| Direct personnel cost..... | 75,950 | 73,000 |
| Subtotal, Personnel compensation and benefits..... | 76,450 | 73,500 |
| Integrated deepwater systems: | | |
| Aircraft: | | |
| Aircraft, other..... | 125,900 | 156,000 |
| HH-65 re-engining..... | 133,100 | 133,100 |
| Subtotal, Aircraft..... | 259,000 | 289,100 |
| Surface ships..... | 522,400 | 509,200 |
| C4ISR..... | 74,400 | 44,000 |
| Logistics..... | 25,200 | 18,800 |
| Systems engineering and integration..... | 45,000 | 37,000 |
| Government program management..... | 40,000 | 35,000 |
| Subtotal, Integrated deepwater systems..... | 966,000 | 933,100 |
| Shore facilities and aids to navigation: | | |
| Shore operational and support projects..... | 5,000 | --- |
| Shore construction projects..... | 3,000 | --- |
| Renovate USCGA Chase Hall Barrack, Phase I.... | 15,000 | 15,000 |
| Replace multi-purpose building - Group Long Island Sound..... | 10,000 | 10,000 |
| Construct breakwater - Station Neah Bay..... | 2,800 | 2,800 |
| Waterways aids to navigation infrastructure... | 3,900 | 3,900 |
| Subtotal, Shore facilities and aids to navigation..... | 39,700 | 31,700 |
| Subtotal, Acquisition, construction, and improvements (net)..... | 1,269,152 | 1,141,800 |
| Alteration of bridges..... | --- | 15,000 |
| Research, development, test, and evaluation..... | --- | 17,750 |
| Subtotal, U.S. Coast Guard discretionary..... | 6,947,552 | 6,782,777 |
| Retired pay (mandatory)..... | 1,014,080 | 1,014,080 |

DEPARTMENT OF HOMELAND SECURITY
(Amounts in thousands)

| | Budget Request | Conference |
|--|-------------------|--------------|
| ----- | | |
| Total, United States Coast Guard..... | 7,981,632 | 7,796,857 |
| Appropriations..... | (7,981,632) | (7,811,961) |
| Rescissions..... | --- | (-15,104) |
| | ===== | ===== |
| United States Secret Service | | |
| Salaries and expenses: | | |
| Protection: | | |
| Protection of persons and facilities..... | 572,232 | 576,316 |
| National special security event fund..... | 5,000 | 2,500 |
| Protective intelligence activities..... | 55,561 | 56,215 |
| White House mail screening..... | 16,365 | 16,365 |
| Subtotal, Protection..... | 649,158 | 651,396 |
| Field operations: | | |
| Domestic field operations..... | 238,888 | 238,888 |
| International field office administration, operations and training..... | 19,768 | 20,968 |
| Electronic crimes special agent program and electronic crimes task forces..... | 35,600 | 39,600 |
| Subtotal, Field operations..... | 294,256 | 299,456 |
| Administration: | | |
| Headquarters, management and administration... | 203,232 | 203,232 |
| National Center for Missing and Exploited Children..... | 7,100 | 7,889 |
| Subtotal, Administration..... | 210,332 | 211,121 |
| Training: | | |
| Rowley training center..... | 46,337 | 46,337 |
| Subtotal, Salaries and expenses..... | 1,200,083 | 1,208,310 |
| Acquisition, construction, improvements and related expenses (Rowley training center)..... | 3,699 | 3,699 |
| Total, United States Secret Service..... | 1,203,782 | 1,212,009 |
| | ===== | ===== |
| Total, title II, Security, Enforcement, and Investigations: | | |
| New budget (obligational) authority..... | 20,555,320 | 22,401,680 |
| Appropriations..... | (20,555,320) | (22,416,784) |
| Rescission..... | --- | (-15,104) |
| Fee Accounts..... | (1,551,579) | (1,575,698) |
| | ===== | ===== |
| TITLE III - PREPAREDNESS AND RECOVERY | | |
| Preparedness | | |
| Preparedness operations: | | |
| Office of the Under Secretary..... | 17,836 | --- |
| Office of the Chief Medical Officer..... | 2,000 | --- |
| Office of National Capital Region Coordination.... | 1,072 | --- |
| Infrastructure Protection and Information Security Critical infrastructure outreach and partnership..... | 81,860 | --- |

DEPARTMENT OF HOMELAND SECURITY
(Amounts in thousands)

| | Budget Request | Conference |
|---|-------------------|------------|
| Critical infrastructure identification and evaluation..... | 89,593 | --- |
| National Infrastructure Simulation and Analysis Center..... | 17,635 | --- |
| Biosurveillance..... | 12,817 | --- |
| Protective actions..... | 108,076 | --- |
| Cyber security..... | 83,086 | --- |
| National Security/Emergency Preparedness Telecommunications..... | 163,250 | --- |
| Subtotal, Infrastructure Protection and Information Security..... | 556,317 | --- |
| Subtotal, Preparedness operations..... | 577,225 | --- |
| Management and administration: | | |
| Office of the Under Secretary..... | --- | 13,187 |
| Office of the Chief Medical Officer..... | --- | 2,000 |
| Office of National Capital Region Coordination.... | --- | 892 |
| Subtotal, management and administration..... | --- | 16,079 |
| Office for Domestic Preparedness: | | |
| Salaries and expenses..... | 44,300 | 5,000 |
| State and Local Programs: | | |
| State Homeland Security Grant Program: | | |
| State and Local Basic Formula Grants..... | 1,020,000 | 550,000 |
| Emergency management performance grants... | 170,000 | --- |
| Citizen Corps..... | 50,000 | --- |
| Subtotal, State Homeland Security Grant Program..... | 1,240,000 | 550,000 |
| Law enforcement terrorism prevention grants... | --- | 400,000 |
| Urban Area Security Initiative: | | |
| High-threat, high-density urban area..... | 1,020,000 | 765,000 |
| Targeted infrastructure protection..... | 600,000 | --- |
| Buffer zone protection program..... | --- | 50,000 |
| Port security grants..... | --- | 175,000 |
| Rail and transit security..... | --- | 150,000 |
| Trucking security grants..... | --- | 5,000 |
| Intercity bus security grants..... | --- | 10,000 |
| Subtotal, Urban Area Security Initiative | 1,620,000 | 1,155,000 |
| Commercial equipment direct assistance program | --- | 50,000 |
| National Programs: | | |
| National Domestic Preparedness Consortium. | 80,000 | 145,000 |
| National exercise program..... | 52,000 | 52,000 |
| Technical assistance..... | 7,600 | 20,000 |
| Metropolitan Medical Response System..... | --- | 30,000 |
| Demonstration training grants..... | --- | 30,000 |
| Continuing training grants..... | 3,010 | 25,000 |
| Citizen Corps..... | --- | 20,000 |
| Evaluations and assessments..... | 14,300 | 14,300 |
| Rural Domestic Preparedness Consortium.... | --- | 10,000 |
| Subtotal, National Programs..... | 156,910 | 346,300 |
| Subtotal, State and Local Programs..... | 3,016,910 | 2,501,300 |

DEPARTMENT OF HOMELAND SECURITY
(Amounts in thousands)

| | Budget Request | Conference |
|---|-------------------|------------|
| Fire Assistance Grants: | | |
| Grants..... | 500,000 | 545,000 |
| Staffing for Adequate Fire and Emergency Response (SAFER) Act..... | --- | 110,000 |
| Subtotal, Firefighter Assistance Grants..... | 500,000 | 655,000 |
| Emergency management performance grants..... | --- | 185,000 |
| Subtotal, Office for Domestic Preparedness..... | 3,561,210 | 3,346,300 |
| Radiological Emergency Preparedness Program..... | -1,266 | -1,266 |
| U.S. Fire Administration and Training: | | |
| United States Fire Administration..... | 40,441 | 40,441 |
| Noble Training Center..... | 4,507 | 4,507 |
| Subtotal, U.S. Fire Administration and Training..... | 44,948 | 44,948 |
| Infrastructure Protection and Information Security | | |
| Management and administration..... | --- | 83,342 |
| Critical infrastructure outreach and partnership..... | --- | 112,177 |
| Critical infrastructure identification and evaluation..... | --- | 68,500 |
| National Infrastructure Simulation and Analysis Center..... | --- | 20,000 |
| Biosurveillance..... | --- | 14,100 |
| Protective actions..... | --- | 91,399 |
| Cyber security..... | --- | 93,349 |
| National Security/Emergency Preparedness Telecommunications..... | --- | 142,632 |
| Subtotal, Infrastructure Protection and Information Security..... | --- | 625,499 |
| Total, Preparedness..... | 4,182,117 | 4,031,560 |
| | ===== | ===== |
| Counterterrorism Fund | | |
| Counterterrorism fund..... | 10,000 | 2,000 |
| | ===== | ===== |
| Federal Emergency Management Agency | | |
| Administrative and regional operations..... | 170,240 | 173,240 |
| Defense function..... | 48,000 | 48,000 |
| Subtotal, Administrative and regional operations..... | 218,240 | 221,240 |
| Preparedness, mitigation, response and recovery: | | |
| Operating activities..... | 188,058 | 184,058 |
| Urban search and rescue teams..... | 7,000 | 20,000 |
| Subtotal, Preparedness, mitigation, response and recovery..... | 195,058 | 204,058 |
| Public health programs: | | |
| National disaster medical system..... | 34,000 | 34,000 |
| Disaster relief..... | 2,140,000 | 1,770,000 |
| Disaster assistance direct loan program account: (Limitation on direct loans)..... | (25,000) | (25,000) |

DEPARTMENT OF HOMELAND SECURITY
(Amounts in thousands)

| | Budget Request | Conference |
|---|-------------------|-------------|
| Administrative expenses..... | 567 | 567 |
| Flood map modernization fund..... | 200,068 | 200,000 |
| National flood insurance fund: | | |
| Salaries and expenses..... | 36,496 | 36,496 |
| Severe repetitive loss mitigation..... | --- | 40,000 |
| Repetitive loss mitigation..... | --- | 10,000 |
| Flood mitigation..... | 87,358 | 99,358 |
| Offsetting fee collections..... | -123,854 | -185,854 |
| (Transfer to National flood mitigation fund)..... | (-28,000) | (-40,000) |
| National flood mitigation fund (by transfer)..... | (28,000) | (40,000) |
| National pre-disaster mitigation fund..... | 150,062 | 50,000 |
| Emergency food and shelter..... | 153,000 | 153,000 |
| Total, FEMA (net)..... | 3,090,995 | 2,632,865 |
| Total, title III, Preparedness and Recovery: | | |
| New budget (obligational) authority..... | 7,283,112 | 6,666,425 |
| (Limitation on direct loans)..... | (25,000) | (25,000) |
| (Transfer out)..... | (-28,000) | (-40,000) |
| (By transfer)..... | (28,000) | (40,000) |
| TITLE IV - RESEARCH, DEVELOPMENT, TRAINING, AND SERVICES | | |
| U.S. Citizenship and Immigration Services | | |
| Backlog reduction initiative: | | |
| Contracting services..... | 70,000 | 70,000 |
| Other..... | 10,000 | 10,000 |
| Digitization and IT transformation..... | --- | 35,000 |
| Subtotal, Backlog reduction initiative..... | 80,000 | 115,000 |
| Adjudication services (fee account): | | |
| Pay and benefits..... | (607,000) | (657,000) |
| District operations..... | (389,000) | (349,000) |
| Service center operations..... | (260,000) | (250,000) |
| Asylum, refugee and international operations..... | (74,000) | (74,000) |
| Records operations..... | (66,000) | (66,000) |
| Subtotal, Adjudication services..... | (1,396,000) | (1,396,000) |
| Information and customer services (fee account): | | |
| Pay and benefits..... | (80,000) | (80,000) |
| Operating expenses: | | |
| National Customer Service Center..... | (47,000) | (47,000) |
| Information services..... | (14,000) | (14,000) |
| Subtotal, Information and customer services..... | (141,000) | (141,000) |
| Administration (fee account): | | |
| Pay and benefits..... | (44,000) | (44,000) |
| Operating expenses..... | (193,000) | (193,000) |
| Subtotal, Administration..... | (237,000) | (237,000) |
| Total, U.S. Citizenship and Immigration Services | (1,854,000) | (1,889,000) |
| Appropriations..... | (80,000) | (115,000) |
| (Immigration Examination Fee Account)..... | (1,730,000) | (1,730,000) |
| (Fraud prevention and detection fee account) | (31,000) | (31,000) |

DEPARTMENT OF HOMELAND SECURITY
(Amounts in thousands)

| | Budget Request | Conference |
|---|-------------------|-------------|
| (H1B Non-Immigrant Petitioner fee account) .. | (13,000) | (13,000) |
| | ===== | ===== |
| Federal Law Enforcement Training Center | | |
| Salaries and expenses: | | |
| Salaries and expenses | 183,362 | 194,000 |
| Acquisition, Construction, Improvements, and Related expenses: | | |
| Direct appropriation | 40,636 | 88,358 |
| | ----- | ----- |
| Total, Federal Law Enforcement Training Center .. | 223,998 | 282,358 |
| | ===== | ===== |
| Science and Technology | | |
| Management and administration: | | |
| Office of the Under Secretary for Science and Technology | --- | 6,479 |
| Other salaries and expenses | 81,399 | 74,620 |
| | ----- | ----- |
| Subtotal, Management and administration | 81,399 | 81,099 |
| Research, development, acquisition, and operations: | | |
| Biological countermeasures: | | |
| Operating expenses | 23,300 | 23,300 |
| Defense function | 339,000 | 356,700 |
| | ----- | ----- |
| Subtotal, Biological countermeasures | 362,300 | 380,000 |
| Chemical countermeasures | 102,000 | 95,000 |
| Explosives countermeasures | 14,700 | 44,000 |
| Threat and vulnerability, testing and assessment .. | 47,000 | 43,000 |
| Conventional missions in support of DHS | 93,650 | 80,000 |
| Rapid prototyping program | 20,900 | 35,000 |
| Standards | 35,500 | 35,000 |
| Emerging threats | 10,500 | 8,000 |
| Critical infrastructure protection | 20,800 | 40,800 |
| University programs/homeland security fellowship .. | 63,600 | 63,000 |
| Counter MANPADs | 110,000 | 110,000 |
| Safety act | 5,600 | 7,000 |
| Cyber security | 16,700 | 16,700 |
| Office of interoperability and compatibility | 20,500 | 26,500 |
| Research and development consolidation | 116,897 | 99,897 |
| Radiological and nuclear countermeasures | 19,086 | 19,086 |
| Domestic Nuclear Detection Office | 227,314 | 318,014 |
| | ----- | ----- |
| Subtotal, Research, development, acquisition, and operations | 1,287,047 | 1,420,997 |
| | ----- | ----- |
| Total, Science and Technology | 1,368,446 | 1,502,096 |
| | ===== | ===== |
| Total, title IV, Research and Development, Training and Services: | | |
| New budget (obligational) authority | 1,672,444 | 1,899,454 |
| Fee Accounts | (1,774,000) | (1,774,000) |
| | ===== | ===== |
| TITLE V - GENERAL PROVISIONS | | |
| Sec. 527: | | |
| Rescission, 110-to-123 Conversions (P.L.108-11, P.L. 108-90 and P.L. 108-334) | --- | -78,631 |

DEPARTMENT OF HOMELAND SECURITY
(Amounts in thousands)

| | Budget Request | Conference |
|--|-------------------|--------------|
| 110ft Island Class Patrol Boat procurement or refurbishment..... | --- | 78,631 |
| Sec 538: REAL ID Grants..... | --- | 40,000 |
| Rescissions, sec. 542 through 546: | | |
| Sec. 542: Working Capital Fund..... | --- | -15,000 |
| Sec. 543: Transportation Security Administration aviation security (P.L. 108-34)..... | --- | -5,500 |
| Sec. 544: Coast Guard operating expenses and acquisition, construction, and improvements (P.L. 105-277, 106-69, 107-87, and 108-90)..... | --- | -6,369 |
| Sec. 545: Counterterrorism Fund (P.L. 108-90)..... | --- | -8,000 |
| Sec. 546: Science and technology research, development, acquisition, and operations (P.L. 108-334)..... | --- | -20,000 |
| Subtotal, Rescissions, sec. 542 through 546. | --- | -54,869 |
| Total, title V, General Provisions: | | |
| New budget (obligational) authority..... | --- | -14,869 |
| | ===== | ===== |
| Grand total, Department of Homeland Security: | | |
| New budget (obligational) authority..... | 30,568,748 | 31,860,080 |
| Appropriations..... | (30,568,748) | (32,008,684) |
| Rescissions..... | --- | (-148,604) |
| Fee funded programs..... | (3,325,579) | (3,349,698) |
| (Limitation on direct loans)..... | (25,000) | (25,000) |
| (Transfer out)..... | (-28,000) | (-40,000) |
| (By transfer)..... | (28,000) | (40,000) |
| | ===== | ===== |

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2006 recommended by the Committee of Conference, with comparisons to the fiscal year 2005 amount, the 2006 budget estimates, and the House and Senate bills for 2006 follow:

| [In thousands of dollars] | |
|--|---------------|
| New budget (obligational) authority, fiscal year 2005 | \$100,210,103 |
| Budget estimates of new (obligational) authority, fiscal year 2006 | 30,568,748 |
| House bill, fiscal year 2006 | 31,860,080 |
| Senate bill, fiscal year 2006 | 33,360,080 |
| Conference agreement, fiscal year 2006 | 31,860,080 |
| Conference agreement compared with: | |
| New budget (obligational) authority, fiscal year 2005 | – 68,350,023 |
| Budget estimates of new (obligational) authority, fiscal year 2006 | +1,291,332 |
| House bill, fiscal year 2006 | +0 |
| Senate bill, fiscal year 2006 | – 1,500,000 |

HAROLD ROGERS,
ZACH WAMP,
TOM LATHAM,
JO ANN EMERSON,
JOHN E. SWEENEY,
JIM KOLBE,
ERNEST J. ISTOOK, JR.,
RAY LAHOOD,
ANDER CRENSHAW,
JOHN R. CARTER,
JERRY LEWIS,
MARTIN OLAV SABO,
DAVID E. PRICE,
JOSÉ E. SERRANO,
LUCILLE ROYBAL-ALLARD,
SANFORD D. BISHOP,
CHET EDWARDS,

Managers on the Part of the House.

JUDD GREGG,
THAD COCHRAN,
TED STEVENS,
ARLEN SPECTER,
PETE DOMENICI,
RICHARD C. SHELBY,
LARRY CRAIG,
ROBERT F. BENNETT,
WAYNE ALLARD,
ROBERT C. BYRD,
DANIEL K. INOUE,
PATRICK J. LEAHY,
BARBARA A. MIKULSKI,
HERB KOHL,
HARRY REID,
DIANNE FEINSTEIN,

Managers on the Part of the Senate.